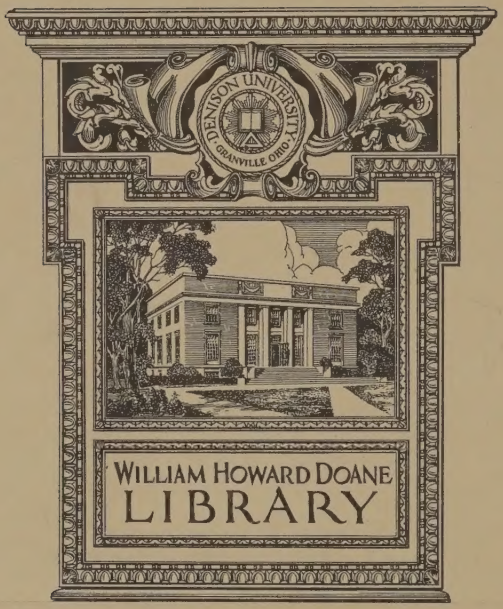

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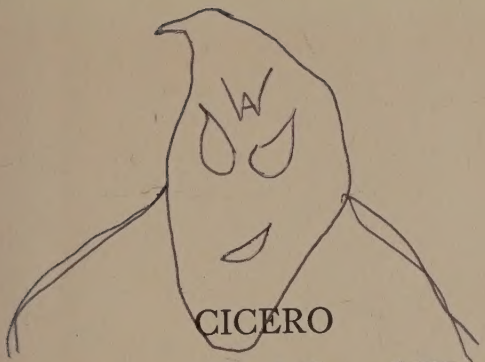
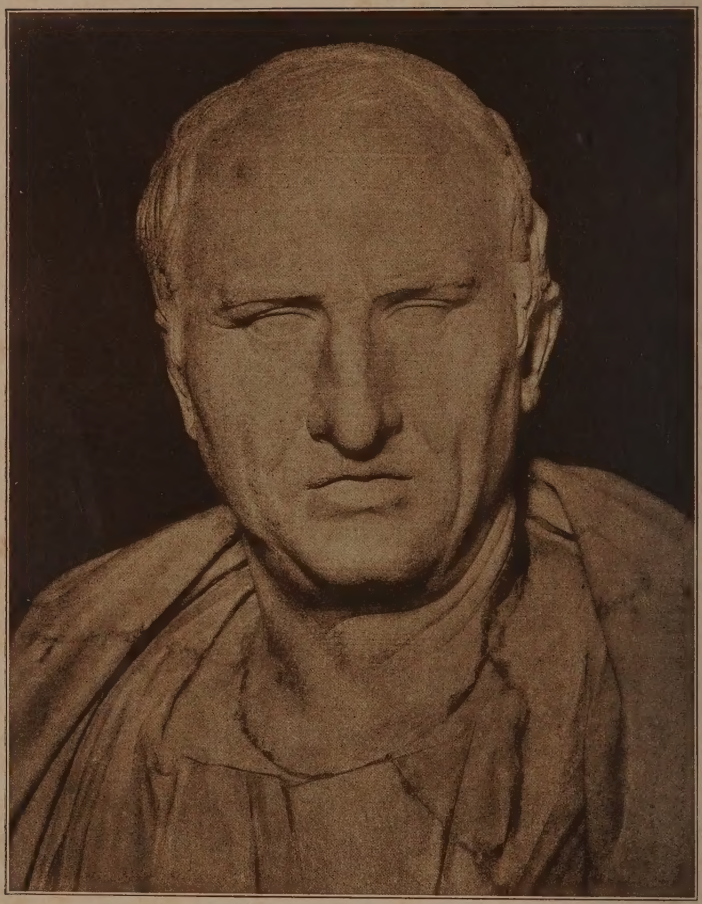


CICERO

A Sketch of His Life and Works



CICERO. Capitoline Museum, Rome.

CICERO

A SKETCH OF HIS LIFE AND WORKS

A commentary

ON THE ROMAN CONSTITUTION AND ROMAN PUBLIC LIFE, SUPPLEMENTED BY THE SAYINGS OF CICERO ARRANGED FOR THE FIRST TIME AS AN ANTHOLOGY

BY

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G 30

Nostra autem respublica non unius esset ingenio, sed multorum, nec una hominis vita, sed aliquot constituta seculis et aetatibus.

—*De Republica,* ii, 1.

Our Roman Constitution was not the product of the genius of any one man, but of that of many; it was not evolved in any one lifetime, but in the course of generations and centuries.

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To

Reid Hunt, M.D., Ph.D.

PROFESSOR OF PHARMACOLOGY IN HARVARD UNIVERSITY
THIS BOOK IS INSCRIBED BY HIS LOVING FRIEND
THE AUTHOR

PREFACE

During the years devoted by the author to the preparation of *The Origin and Growth of the English Constitution,* now in the eighth edition, there was ever present in his mind the hope that the day would come when he would be able to draw out, upon a different plan and within a narrower compass, *The Origin and Growth of the Roman Constitution* down to the end of the Republican Period closed by Cicero's death in December, 43 B. C.

An American historian, in speaking of Daniel Webster, has said:

> Had he stood in the market place, raised an arm, and frozen into silence, his erect figure would have been accepted as the bronze ideal of a statesman and defender of the constitution.[1]

In a much more emphatic and exclusive sense was Cicero the ideal defender of the Roman Constitution; in a much more emphatic and exclusive sense was he the embodiment of the departing spirit of Roman Republicanism. Certainly, during the last days of the Republic, during his duel to the death with Octavian and Antony, Cicero could say without exaggeration, *L' état c' est moi!* "Beneath every shell there was an animal, behind every document there was a man." And so behind Rome's Republican Constitution there was in its last days a man who, as the holder, in the *cursus honorum,* of every great office in the state, moved every part of its complicated machinery; who, by his immortal discourses

[1] James Schouler, *History of the United States,* vol. iii, p. 301.

in the Forum, on the Rostra, and in the Senate, gave expression to its inner spirit.

As a dead language can only be quickened into life when we hear the voices of those by whom it was once spoken, so a dead constitution can only be quickened into life when we see the acts and hear the voices of those by whom it was kept in motion. The best possible commentary upon the Roman Constitution should therefore be found in the acts and declarations of the brilliant and devoted citizen who did most to expound it, and who perished in a vain effort to defend it.

With that assumption as its thesis this book will attempt to indicate what the Roman Republican Constitution really was, during the quarter of a century that preceded its overthrow, through the unfolding of the history of the immortal advocate, statesman, and philosopher who for ages has stood out before the world as its typical expounder and defender. Never before or since was the history of a constitution so completely embodied in the history of a man as that of the Roman Republic in the life of Cicero during the twenty-seven years, immediately preceding his death.

With the announcement made at the close of his famous speech in the case of Verres that he would appear no more in the courts as a prosecutor, Cicero's career as a statesman, in the largest sense of that term, really began. The twenty-seven fateful years that intervened between that time and his assassination by the Imperialists are so penetrated and illuminated by his speeches before the courts, the Senate, and the people; by his priceless letters, without which a large part of the contemporary history would be a blank; by his writings on government, law, and theology, and above all by his acts as consul in

defending the state when Catiline struck at its heart—that the life of Cicero and the life of the Republic, during the period in question, are an indivisible whole.

Irrevocably bound by his deepest convictions to the ancient popular constitution, perishing under the weight of its own success, we see him gradually sinking with it until he disappears beneath the horizon, touched by the light of its dying glory. All that was mortal of the most gifted son of ancient Italy went down in the wreck of the Roman Republic, but his immortal part survived as that of no other human being of his age has survived, because he was the most intellectual, the most spiritual, the least brutal, and above all the most deeply imbued with the instinct of immortality, embodied in the conviction—to use his own words:

> The mind is the man, and not the figure which can be pointed at with the finger. Know, therefore, that thou art a divine being since it is a deity in thee which moves, feels, remembers, foresees, rules, and governs that body, over which it is placed, in the very same way as the Supreme Being governs this world.[2]

Nothing is more remarkable concerning the public life of Rome, when we consider it in its fullness as a stage upon which both advocates and statesmen could find opportunities for the unrestrained exercise of their powers, than the shortness of its duration. The great days of the Roman bar must really be measured by the professional lives of Hortensius and Cicero. The magnificent professional rewards they received had never been enjoyed by any of their predecessors; and after Cicero's death, which synchronized with the fall of the Republic, there were no longer free popular assemblies, or popular courts such as those before which he had won renown.

[2] Cicero, *De Republica*, vi, 24.

It is no exaggeration to say that the most brilliant e of Roman public life was ushered in by Cicero and close by his death — he stood at its cradle and he followed i hearse. In his life its history is epitomized at its bes The history of that public life, forensic and tribunitia should appeal with peculiar force to every American law yer and statesman, embodying, as it does, a record c conditions so nearly identical with our own. It is im possible to contemplate the career of Cicero as an advo cate, as a statesman, as a writer on the twin sciences c government and law, without being deeply impressed b the close resemblance between Roman public life as existed in his time and American public life as it exist today.

When the foremost orator of the Roman Republi after having won the leadership of the Roman bar, mad his way into politics, becoming first a judge, then a sen ator, and finally an expounder of the theories of the twi sciences with which his public life had connected him, h blazed the path and created the models which hav guided all American lawyers and statesmen who have a tained to eminence through their discourses in the court before the people, or in deliberative assemblies. Ferrer made no mistake when he said:

> In many matters the United States is nearer than Europe t Ancient Rome. First of all, it is a republic, as Rome was, whi almost all of the European states are monarchies. That diffe ence is probably a good deal more important than is general believed. Further, while all the states of Europe are bureaucrati the United States, like Rome, has an elective administratio Many public functions, which in Europe are confined to a profe sional bureaucracy, are exercised in America, as they were in Rom by officers elected by the people. Now, one of the greate obstacles a European finds to understanding the history of Ron

ies in the fact that, because he is accustomed to see states gov-erned by pure bureaucracy, he finds it hard to imagine a state whose offices are almost all elective. This difficulty does not exist in the United States. An American understands easily the work-ing of the old Roman State because he is a citizen of a state based on the same principle.[3]

The author hopes, however, that the sketch of the life and works of Cicero as unfolded herein will appeal to a far wider audience than that composed of lawyers and statesmen; he hopes that it will commend itself to all thinkers who are interested in the marvelous process through which the best and highest thought of Greece and the Orient, after being digested and re-stated by the great Roman philosopher, was passed on through him as a conduit between the Hellenized East and barbarous Europe.

The sustained and majestic splendor with which Cicero robed his thoughts has made his works models of style for all time. Quintilian tells us that Livy said that he would be the best writer of Latin prose who was most like to Cicero; and his ardent admirer, Gibbon,[4] who de-clared that "the jurisprudence of his country was adorned by his incomparable genius which converts into gold every object that it touches," has paid a tribute higher still through the ceaseless, nay, almost monotonous flow of Ciceronian rhythm that pervades his prose; while Cardinal Newman has certified over his own hand that—

> . . . as to patterns for imitation, the only master of style I have ever had (which is strange considering the differences of the lan-guages) is Cicero. I think I owe a great deal to him, and, as far as I know, to no one else.[5]

[3] Ferrero, *Greatness and Decline of Rome,* preface to Amer. Ed., iv.
[4] Gibbon, *Decline and Fall of the Roman Empire,* iv, p. 457.
[5] Newman, *Letters and Correspondence,* ii, pp. 426-427.

And yet, after every gift, every achievement in the br liant and tragic life of the great Roman has been es mated at its full value, the fact remains that the supren importance of his career to the modern world is er bodied in his intellectual leadership of the spiritual ar ethical revolution which prepared the people of the Me iterranean Basin for the advent of Christianity. No ma ter whether the tidal wave of new thought, known Stoicism, that rolled from the Orient to Athens and fro Athens to Rome, was a world-philosophy or a worl religion, it swept away the barriers between nation ar nation through the creation of a cosmopolis or ide world-state governed not by local codes, but by perm nent, uniform, and universal law flowing from a sing God who is Lord and Father—

> . . . . a Supreme Deity, who governs the world with boundl power and benevolent will, and is manifested to men as the Log or "divine Word." [6]

By means of that magnificent notion of a single God the source of natural law, Stoicism wrecked Pantheis in substance if not in form, and thus opened the way f a new conception of the destiny of man as a member a world-wide society in which all distinctions of race, cas and class were to be subordinated to the fatherhood God and the brotherhood of man. In the *De Finib* Cicero says:

> There is nothing so eminent, nor so extensive in its operation, that brotherhood between men, that agreement as to what may useful to all, and that general love for the human race.[7]

[6] E. V. Arnold, *Roman Stoicism*, pp. 17, 274, 281.
[7] Cicero, *De Finibus*, v. 23.

Less than a century and a half before the birth of Christ, the new philosophy of inward defense and defiance — "The earliest offspring of the religious consciousness of the East and the intellectual culture of the West" [8] — took sudden possession of all the higher classes at Rome, including the jurists, who were completely enthralled by it. That event became a turning point in the juristic history of the world because, just at the moment when it became necessary to extend the local code of a city-state over a growing empire that aspired to universal dominion, the Stoic philosophers armed the Roman jurisconsults with their unique invention of a law of nature, "proceeding from Zeus and the common nature," which, as the law of the Stoic world-state embracing all mankind, was necessarily universal. Out of the fusion of the Stoic theory of a natural and universal law with the common roots extracted by the *praetor peregrinus* from the local codes of all the states with which Rome was then in contact arose the *jus gentium* — the law common to all nations — by whose broad concepts the strict and archaic code of Rome was largely superseded. At last it could be said: "Roman law was finished; the local law of a city had passed into a law available for the world in general." [9] Before the fall of the Republic the *jus gentium* had assumed definite form; and upon Cicero — the great interpreter, the master of expression, the author of the first philosophic treatises in the Latin tongue — naturally devolved the duty of defining it. With his mind radiant with the new Stoic conception of a single, law-creating God he was the very first to announce to the world the fact that the *jus gentium* was —

[8] J. B. Lightfoot, *Philippians*, p. 274.
[9] Rudolph Sohm, *Institutes*, p. 86.

. . . . not to be one law for Rome, another law for Athens, or law today and another law tomorrow; but one eternal and immutable law for all nations, and for all ages, as God the common master and ruler of all — the discoverer, the interpreter, the enactor of the law — is one.[10]

With all the faithfulness with which Cicero reproduces the Stoic conception of a law of nature, he reproduces the Stoic conception of ethics by which in his later years he was completely mastered and overcome. The fact is that the one was the corollary of the other. Stoic ethics rested primarily not on the needs of the individual, but on the demands of the supreme law, the "universal law bidding us to do this and refrain from that." The ultimate end of Stoicism, justly called the bridge between ancient and modern philosophical thought, was to create a good citizen, with a high-thoughted soul, who, guided by the examples of wise men, could rise above nationalism, antiquity, custom, pride, and prejudice, into the realm of universal reason and individual liberty.

As we shall see hereafter, that lofty ideal of a good citizen was the weapon Cicero seized upon when, with the zeal of an enthusiast and the power of a Titan, he essayed the impossible task of saving the Roman Republic through a social, moral, and political regeneration of the governing classes of Roman society. The first appeal made in the *De Republica* culminated in "Scipio's Dream," in which the good citizen is told that —

. . . . to defend the state with the greater cheerfulness, be assured that for all those who have in any way conduced to the preservation, defense, and enlargement of their native country, there is certainly a place in heaven, where the blessed shall enjoy eternal life.[11]

[10] *De Repub.*, iii, 22. [11] *Ibid.*, vi, 13.

As further elaborations of that civic gospel, followed the *De Finibus,* on the ultimate foundation of ethics; the *De Officiis,* a treatise on practical ethics, called by Frederick the Great "the best work on morals that has ever been or can be written"; and the *Tusculanae Disputationes,* on incidental questions concerning ethics, in which are re-examined the problems propounded in the *De Republica* from a moral and social, rather than from a political point of view. Thus it appears that these deathless compositions upon the subjects of ethics and politics that still stir and guide the world were not fabricated as abstract speculations by an isolated thinker in "the unvexed silence of a student's cell," but by a practical statesman and ardent patriot who, in the presence of a rapidly approaching crisis, was striving to save from wreck and ruin an ancient popular constitution whose life depended absolutely upon the virtue and patriotism of its citizens.

In his efforts to arouse his countrymen to a nobler sense of civic duty and patriotism, Cicero did not hesitate to offer, without reserve, rewards in a higher life beyond the grave. Armed with the new Stoic conception of a single, law-creating God, and with that logic in which the Stoics so excelled, he undertook to re-define the immorality of the soul, and a conscious personal existence after death, in a civic heaven, if you please, with a distinctness and convincing power which a pantheistic philosopher like Plato, not so armed, had never been able to impart to such thoughts.

In one place he writes:

> Therefore, for many other reasons, the souls of the good appear to me to be divine and eternal, but chiefly on this account, because

the soul of the best and wisest has such anticipation of a futur state of being, that it seems to center its thoughts only on eternity.[1]

In another:

For we have not been framed or created without design nor by chance, but there has been truly some certain power, which had in view the happiness of mankind, neither producing nor maintaining a being, which, when it had completed all its labors, should then sink into eternal misery of death; rather let us think that there is a haven and refuge prepared for us.[13]

In still another:

Death is no annihilation, carrying off and blotting out everything, but rather, if I may so describe it, a change of abode, and an alteration in our manner of life.[14]

Finally, he declares:

I have often read and heard that there is nothing evil in death for, if there is a survival of consciousness, it must be considered immortality rather than death; while if consciousness is destroyed that can hardly be reckoned unhappiness, of which we are unconscious.[15] . . . . There is certainly a place in heaven where the blessed shall enjoy eternal life.[16]

Endowed with an introspective mind capable of dramatizing thoughts that live and move as immortalities in the realm of the unseen, Cicero, during the closing years of his life, answered the question of questions, "If a man dies shall he live again?" with a vividness and convincing power never equalled before, and never surpassed by mortal man until the New Revelation spoke through the inspired lip

[12] Cicero, *Pro C. Rabirio Perduellionis*, 10.
[13] Cicero, *Tusculanae Disputationes*, i, 49.
[14] *Ibid.*, i, 12.
[15] Cicero, *Ad Familiares*, v, 16.
[16] *De Repub.*, vi, 13: "Certum esse in caelo definitum locum, ubi beati aevo sempiterno fruantur."

of St. Paul. The transcendent geniuses, the deathless orators of a marvelous epoch were Cicero and St. Paul.

Is it therefore strange that the early Christian fathers who gave scientific form and logical consistency to Christian theology and ethics should have embraced with an enraptured tenderness the "Pagan Christian" who had been illumined by the first premonitory rays that fell from the rising Light of the World? Beginning with Minutius Felix and Lactantius, the tide of Ciceronian influence upon Christian thought, which Tertullian strove in vain to check, flowed steadily on until it reached its high-water mark in the writings of St. Ambrose, St. Jerome, and St. Augustine. The first named, the famous bishop of Milan, clearly perceiving that in the new Christian literature there was an utter lack of a complete and harmonious system of Christian ethics, undertook to supply it in his *De Officiis Ministrorum,* modeled without disguise upon Cicero's *De Officiis.* The second so far lost himself in the study of his favorite author that, as he tells us himself, Christ came to him in a dream, during a critical illness at Antioch, and reproached him because he was more of a Ciceronian than a Christian. The third, who occupies a theological position really unrivalled — as no single name has ever possessed such power over the Christian church, as no single mind has ever made such a profound impression upon Christian thought as that of St. Augustine — went so far as to attribute the beginning of his conversion to Christianity to the study of Cicero's *Hortensius.* In the history of the transmutation of human thought few things are more imposing than the meeting of the mind of the last and greatest philosopher of pagan Rome with that of the first really great philosopher of the Latin church.

Cicero's leading works found a prominent place i nearly all of the early Christian monastic libraries; an when the treasure house of ancient thought the Middl Ages had guarded was reopened at the dawn of th Italian Renaissance, we find him the literary idol o Petrarch who, when strangers crowded around him, ask ing what presents they could send him from distant land invariably answered: "Nothing but the works of Cicero. In referring to those works, Petrarch said: "You woul fancy sometimes it was not a pagan philosopher, but Christian Apostle, who was speaking"; and Anthon Trollope has declared that—

> . . . . had he lived a hundred years later I should have suspecte him of some hidden knowledge of Christ's teachings. . . . . Th pagan had his ideas of God's governance of men, and of man required obedience to God, so specially implanted in his hea that he who undertakes to write his life should not pass it l unnoticed.[17]

In the light of such a record, who can doubt that th persistency of Cicero's intellectual influence through th centuries has depended largely upon its spiritual and etl ical undertone which influenced so profoundly the thougl of the early Christian church?

[17] Trollope, *Life of Cicero*, ii, pp. 322-324.

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Collected and arranged for the first time as an anthology, consisting of about a thousand extracts carefully selected from the following compositions:

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CICERO

CHAPTER I

INTRODUCTION

Twenty centuries of fame and influence.

AFTER twenty centuries of fame and influence Cicero, ho at a turning-point in the world's history stood second ly to Caesar himself, survives as the most important nnecting link between the ancient and the modern orld. His works have stood time's crucial test. In e transmutation of human thought they have not been sorbed; they have not melted down into the mass; they ve not lost their identity. At the end of twenty cen- ries all of his more important compositions live on as tinct and familiar personalities known to all mankind.

Cicero "the herald of antiquity."

Endowed with a mind marvellous in its range and limited in its power to grasp and hold everything, the lliant son of ancient Italy, after possessing himself of entire deposit of thought made by the Greeks with Romans, transmitted it to posterity through the Latin gue which he vastly enlarged and enriched in order to der it capable of the task he imposed upon it. In that y he has won a place at once august and unique as the rpreter and transmitter of the thoughts of the ancient he modern world. He is the greatest of all envoys to Christian present from the pagan past. He described own mission when he said: "History is the witness of times, the torch of truth, the life of memory, the her of life, the herald of antiquity." [1]

[1] "Historia testis temporum, lux veritatis, vita memoriae, magistra vitae, ia vetustatis." — Cicero, *De Oratore*, ii, 9.

His works the unpremeditated outcome of his career.

The persistency of Cicero's intellectual influence c only be explained by the fact that the works in which l thoughts are embodied were the natural and unpreme tated outcome of the career of an intensely human a rarely gifted man who was ever applying the fruits abstract speculation to the practical problems of life a time when such problems were passing through the c cible of a profound political and spiritual revolution. H first ambition was to become an advocate, a leader of t

The Forum as a popular university.

Roman bar, at a time when the Forum was a great po lar university in which the Roman people gathered f instruction at the hands of the orators, forensic and tril nitian, whose discourses, after being taken down by sho hand writers,[2] were circulated through the provinces. T famous Ciceronian scholar, Tyrrell, in describing the in ence of Cicero's orations on public opinion, has said:

Tyrrell's brilliant tribute.

> His speeches discharged the highest work now done by our l newspapers, magazines, and reviews. To gain Cicero was wha would be to secure the advocacy of the *Times;* or rather wha would be were there no other paper, review, or magazine but *Times,* and were the leaders of the *Times* written by Burke Sheridan. . . . . They put the public in possession of the circ stances in each case,[3] and taught them to look on these circ stances with the eyes of the speaker and his party; they conve resistance into acceptance, and warmed acceptance into enthusia

[2] See pp. 79, 159.

[3] In his defense of Sulla, Cicero tells us (xv) that in order to ar public opinion in his favor in the affair of Catiline he had copied and tributed the depositions of the witnesses against the conspirators. "I did keep it [the testimony] at my own house; but I caused it at once to be co out by several clerks, and to be distributed everywhere, and published made known to the Roman people. I distributed it all over Italy. I copies of it unto every province." From Pliny (*Epistolae,* iv, 7) we l that the old reformer Regulus, having lost his son, distributed 1,000 co of his eulogy upon him to be solemnly read in the principal cities of Empire. These are the most striking illustrations of the multiplicatio documents in the ancient world.

they provided faith with reason, doubt with arguments, and triumph with words.

Great days of Cicero and Hortensius.

In the great days of Cicero and Hortensius the vast quadrilateral or open-air theatre known as the Forum, with its porticoes and colonnades filled with crowds that overflowed its limits and extended to the surrounding temples, held the largest and most brilliantly lighted stage upon which ambitious men had ever played. There was no limit to the rewards that might be won by eloquence: first, princely fortunes sufficient to support mansions on the Palatine and luxurious country villas in every quarter; next, political office and senatorial rank, coupled with the right to rule and rob an Eastern province. Excepting the last, Cicero improved every opportunity which leadership of the Roman bar afforded, bequeathing in return to posterity masterpieces of forensic eloquence which have remained as models for all time.

Cicero as a moral teacher.

His marvellous success as an advocate transformed him into a statesman, and his mission as statesman transformed him into a philosopher, or rather into a great moral teacher who, in his later years, devoted himself with passionate earnestness to the task of saving the Roman Republic through a tremendous moral appeal to its citizenship at a time when social order was in danger of being overwhelmed by avarice, luxury, and debt. The

De Republica.

first appeal made in the *De Republica*,[4] in which the author says: "in civil dissension, when the good citizens are more important than the many, I think citizens should be weighed, not counted," culminated in "Scipio's Dream," in which the good citizen is told that—

> . . . to defend the state with the greater cheerfulness, be assured that for all those who have in any way conduced to the preserva-

[4] *De Repub.*, vi, 1.

tion, defense, and enlargement of their native country, there is certainly a place in heaven where the blessed shall enjoy eternal life.[5]

De Legibus.

On the heels of that appeal, and as an extension of it, came the *De Legibus,* in which he strove with even greater earnestness to bring home to all citizens who entertained the sentiment of national honor, the conviction that the integrity and excellence of the state must ever depend upon the integrity and excellence of their lives and manners. As further elaborations of that civic gospel followed the *De Finibus,* on the ultimate foundations of ethics; the *Tusculanae Disputationes,* on incidental questions concerning ethics; and the *De Officiis,* a treatise on practical problems propounded in the *De Republica* from the moral and social rather than from the political point of view.

De Finibus, Tusculanae Disputationes, De Officiis.

Thus it appears that these deathless compositions upon the subjects of ethics and politics that still stir and guide the world were not fabricated as abstract speculations by a lonely thinker in "the unvexed silence of a student's cell," but by a practical statesman, and ardent patriot who, in the presence of a rapidly approaching crisis, was striving to save from wreck and ruin an ancient popular constitution whose strength depended absolutely upon the virtue and patriotism of its citizens.

Certainly there is no reason why the history of the life of this busy advocate, statesman, and essayist upon the problems involved in practical ethics, politics, and law should belong in any special sense to those who are called scholars or "classicists." It requires, no doubt, an unusual effort for one of that class to grasp its larger meaning and real significance because, "the modern scholar is apt to be like a caterpillar spun up in his own cocoon; unabl

Their author does not belong to the "classicists."

[5] *De Repub.,* vi, 13.

to get away from his critical and eruditional point of view. But Cicero had no eruditional view at all." [6]

No matter whether it be classicist or publicist who attempts to solve the problem of problems involved in Cicero's life, no progress will be made unless he is clear-visioned enough to brush aside the thin veil that conceals the fact that when the great orator laid down the dexterous arts of the advocate and assumed the stern moral and patriotic duties of the statesman, he at the same time put aside the quibbling skepticism of the Academy for the lofty precepts of the new world-religion known as Stoicism, by which the jurists of Rome became completely enthralled.

Cicero's relation to Stoicism.

That new philosophy, "the earliest offspring of the union between the religious consciousness of the East and the intellectual culture of the West," [7] which came to Rome by the way of Greece, undertook to sweep away the barriers between nation and nation through the creation of an ideal world-state, governed, not by local codes, but by permanent, uniform, and universal law flowing from a single God, who is Lord and Father, "a Supreme Deity, who governs the world with boundless power and benevolent will, and is manifested to men, as the Logos or Divine Word.'" [8]

Ideal world-state.

By that magnificent notion of a single God as the source of natural law, Pantheism was wrecked in substance, if not in form, and the way opened for a new conception of the destiny of man as a member of a world-wide society in which all distinctions of race, caste, and class were to be subordinated to the fatherhood of God and the brother-

God as source of natural law.

Fatherhood of God and brotherhood of man.

[6] E. G. Sihler, *Cicero of Arpinum*, p. 408.
[7] Lightfoot, p. 274.
[8] Arnold, p. 17.

hood of man. Armed with that new Stoic conception of a single and law-creating God, and with that logic in which the Stoics were such adepts, Cicero was able to redefine the immortality of the soul and conscious personal existence after death, in a civic heaven, if you please, with a distinctness and convincing power which a dreaming philosopher like Plato, not so armed, had never been able to impart to such thoughts.

Stoic ideal of a good citizen.

The ultimate end of Stoicism was the creation of a good citizen, with a well-disposed soul, who, guided by the examples of wise men, was capable of rising above nationalism, antiquity, custom, pride, and prejudice into the realm of universal reason and individual liberty. As we shall see later on, that ideal of a good citizen was the weapon Cicero seized upon when, with the zeal of an enthusiast and the power of a Titan, he essayed the impossible task of saving the Roman Republic through a social, moral, and political regeneration of the governing classes in Roman society.

Rewards in a life beyond the grave.

In his efforts to arouse his fellow-citizens to a higher sense of civic duty he offered without reserve rewards in a higher life beyond the grave. He did not hesitate to say to his fellowman: "You were born not by chance, but in obedience to the law of the 'Lord and Father,' who will not only care for you while you are here, but will provide for you an eternal haven of rest and glory after death." [9]

Definitions of immortality.

It is impossible to contest the fact that Cicero, who passed out of the world forty-three years before Christ came into it, defined the doctrine of a personal and conscious existence of the soul in a realm beyond the grave

[9] *Pro C. Rab., perd.*, 10.

here the good are glorified and rewarded by one upreme God, with a logical cogency and fervor far eyond any declarations ever made on that subject prior o that time. There is no reason, however, to assume iat Cicero's spiritual insight was keener than that of lato; the explanation of his advance beyond him is to be ound in the fact that he was armed with the magnificent nceptions of Stoicism which reached its maturity long ter Plato's time.

Cicero's influence on the early Christian church.

Who can doubt that the persistency of Cicero's intel- ctual influence through the centuries has depended rgely upon its spiritual and ethical undertone which npressed itself so profoundly upon the thought of the rly Christian church? It is impossible to ignore the fact at during the years immediately preceding the advent Christianity the brilliant and earnest expounder of oman Stoicism was educating the peoples of the Medi- rranean Basin up to a point at which they could listen ith better understanding to the teachings of St. Paul, ho, while of Jewish descent, was a Hellenist, speaking at idiom of the Grecian Jews in which his letters were ritten. He was brought up at Tarsus in the province f Cilicia, the native country of the famous Stoic Chry- ppus, and of Aratus, the Greek poet of Cilicia, whom he uotes.[10]

St. Paul, Chrysippus, and Aratus.

In his Cilician correspondence, from which much of our st information as to the state of the Roman provinces derived, Cicero, who was governor of Cilicia about lf a century before the birth of St. Paul, speaks in very nphatic terms of the universal extension of the Greek

[10] Cf. Conybeare and Howson, *The Life and Epistles of St. Paul,* pp. 19, te 1, 328, note 4; cf. also, "As certain also of your own poets have said, or we are also His offspring.' " — *Acts,* xvii, 28.

tongue among its educated classes. It is beyond all que tion that the Apostle of the Gentiles was —

St. Paul's "Stoic ways of thinking."

. . . . steeped in Stoic ways of thinking, which are continual asserting themselves in his teaching without being formally reco nized by him as such; and during the whole of the second centu A.D. men trained in Stoic principles crowded into the Christi community. Within it they felt they had a special work to do building up Christian doctrine so that it might face all storms criticism. This effort gradually took the shape of schools modell upon those of the philosophic sects. Such a school was founded

Pantaenus, Clemens, and Origenes.

an ex-Stoic named Pantaenus at Alexandria in 181 A.D.; and h successors Clemens of Alexandria (ob. c. 215 A.D.) and Origin (c. 186-253 A.D.) specially devoted themselves to developing t theory of the divine nature upon Stoic lines. Not all the partic lars they suggested were accepted by the general feeling of t Christian body.[11]

Minucius Felix.

The first, perhaps, among the truly Christian writers t be directly influenced by Cicero was Minucius Felix, whos only extant work, the *Octavius,* a real gem of early Chri tian literature, embodies a dialogue between a pagan an a Christian, whose form is modelled on the *De Natur Deorum* and the *De Divinatione.* It would not be to much to say that this first product of Latin literar Christianity is Ciceronian in its order and distributio Ciceronian in the choice and use of the dialogue form and Ciceronian in its thought and composition.

Lactantius.

Next comes Lactantius, who, from the beauty of h style, has been called the "Christian Cicero" by th humanists, because he exhibits many of the defects as we as the graces of his master. In his works — especially i the *De Opificio Dei,* in the treatise, *De Ira Dei,* whic St. Jerome called an epitome of Cicero's dialogue, an in his great work, *Divinarum Institutionum* — he does li

[11] Arnold, pp. 414, 432.

le more than paraphrase his pagan teacher, a fact recog-
ized by such widely divergent mentalities as St. Jerome,
Prudentius, Luther, and Kant.

Despite the efforts of Tertullian — who is said to have reated Christian Latin literature in a Christian Latin nguage which had its origin, not in the literary language f Rome as developed by Cicero, but in the language of he people as we find it in Plautus and Terence — to stem ne tide of Ciceronian influence upon Christian thought, flowed steadily on until it reached the high-water mark the writings of Sts. Ambrose, Augustine, and Jerome, ne three great Fathers of the Latin church. Tertullian.

The first named, the famous bishop of Milan, clearly rceiving that in the new Christian literature there was te lack of a complete and harmonious system of Chris- n ethics, undertook to supply it in his *De Officiis Min- rorum,* modelled without disguise upon Cicero's *De fficiis.*[12] He deviated, however from the original by dawing his examples, not from Roman history as Cicero d done, but from the Old Testament, ingeniously sug- sting in that way that all the wisdom of the pagan phi- ophers was already known to the Patriarchs. Unable free himself from the Stoic elements he found in his gan model, he accepted the Stoic distinction between ties and offices, and the four cardinal virtues as Cicero d stated them. This well-balanced product of St. mbrose's later years was prized and read through the ire Middle Ages. St. Ambrose's Christian ethics.

n St. Jerome, the contemporary and correspondent of h bishop of Milan, we find another Ciceronian who, as eacher of the classics in his remote monastery at Beth- St. Jerome's dream.

[12] In his work *De Tobia,* St. Ambrose quotes the words of Cato as found n Cicero's *De Officiis,* ii, *circa finem.*

lehem, gave the preference to his favorite author, quo ing him constantly and lovingly in all his works, whic have a certain classical coloring on that account. Afte the bitter controversy concerning Origen, his enem Rufinus made his love and admiration for Cicero one c the chief accusations against him.[13] That accusatic against St. Jerome was repeated, however, in a much mor serious form, as he tells us himself, in the famous dream in which Christ came to him and reproached him wit caring more to be a Ciceronian than a Christian. H response was a resolve to devote his scholarship exch sively to the Holy Scripture. "David was to be henc forth his Simonides, Pindar, and Alcaeus, his Flaccu Catullus, and Severus."

St. Augustine.

A still more famous Ciceronian is to be found in S Augustine, whose theological position and influence m be said to be unrivalled, as no single name has ever exe cised such power over the Christian church, as no sing mind has ever made such a profound impression up Christian thought. He tells us that one day he can across a book written by a certain Cicero whose tongue a admire but whose heart and soul few understand. *Cuj linguam fere omnes mirantur, pectus non ita.* That boo containing Cicero's exhortation to the study of philosop

Influence of *Hortensius.*

and called *Hortensius,* changed the whole course of h life, turning his thoughts to God in such a way that hen forth his wishes and desires were entirely different fro what they had been before.

How did I then burn, my God, how did I burn to remount fr

[13] Jerome, *Adversus Rufinum,* i, 30.

[14] "Itaque miser ego lecturus Tullium, jejunabam. Post nocti crebras vigilias, post lacrymas, quas mihi praeteritorum recordatio pec torum ex imis visceribus eruebat, Plautus sumebatur in manus." The dre is mentioned in the twenty-second letter to Eustochium.

rthly things to Thee, nor knew I what Thou wouldest do with . For with Thee is wisdom. But the love of wisdom is in reek called *philosophy,* with which that book inflamed me. . . . . infused into me not only its style but its matter. [He adds] I s delighted with that exhortation, so far only, that I was thereby ongly roused and kindled and inflamed to love and seek and tain and hold and embrace not this or that sect, but wisdom itself atever it were; and this alone disappointed me thus enkindled, it the name of Christ was not in it.[15]

Contained everything but name of Christ.

The tremendous impression thus made upon the most tent of the Christian Fathers by Roman Stoicism in the rm in which Cicero had restated it in his *Hortensius,* luenced his whole life. In his *Soliloquies* (i, 10) he ributes to Cicero's influence his theory concerning nes: *Prorsus mihi unus Ciceronis liber facillime per- sit nullo modo appetendas esse divitias.* In his book *Magistro* he puts him above all other Latin writers: *id in lingua latina excellentius Cicerone inveniri potest?* his work *Contra Academicos* (iii, 16) he says that ero is the indefatigable educator of youth toward ue and truth, declaring at the same time that he is the ratest Roman philosopher.

Soliloquies.

t is, however, in his most elaborate work, *The City of d,* designed as a great apologetic treatise in vindica- n of Christianity and the Christian church — the latter ng in the form of a new civic order on the crumbling ns of the Roman Empire — that we find what is perhaps most striking illustration of Ciceronian influence. In work St. Augustine gives the following analysis of ero's magnificent disquisition on Political Justice as ained in the third book of the *De Republica,* designed

The City of God.

Analysis of third book of *De Republica.*

[15] "Et hoc solum me in tanta flagrantia refrangebat, quod nomen Christi rat ibi." — Augustine, *Confessions,* iii, 6. Translation by E. B. Pusey.

to maintain the absolute verity of the priceless prove that "Honesty is the best policy."

In the third book of Cicero's *Commonwealth* [St. Augustine says] the question of Political Justice is most earnestly discussed. Philus is appointed to support, as well as he can, the sophistical arguments of those who think that political government can not be carried on without the aid of injustice and chicanery. He denies holding any such opinion himself; yet, in order to exhibit the truth more vividly through the force of contrast, he pleads with all the utmost ingenuity the cause of injustice against justice; and endeavours to show, by plausible examples and specious dialectics, that injustice is as useful to a statesman as justice would be injurious. Then Laelius, at the general request, takes up the plea for justice and maintains with all his eloquence that nothing could be so ruinous to states as injustice and dishonesty, and that without a supreme justice, no political government could expect a long duration.

This point being sufficiently proved, Scipio returns to the principal discussion. He reproduces and enforces the short definition that he had given of the Commonwealth — that it consisted in the welfare of the entire people, by which word "people" he does not mean the mob, but the community bound together by the sense of common rights and mutual benefits.

He notices how important such just definitions are in all debates whatever, and draws this conclusion from the preceding argument that the Commonwealth is the common welfare, whenever it is swayed with justice and wisdom, whether it be subordinated to a king, an aristocracy, or a democracy. But if the king be unjust and so becomes a tyrant, and the aristocracy unjust, which makes them a faction, or the democrats unjust, and so degenerate into revolutionists and destructives — then not only the Commonwealth is corrupted, but in fact annihilated. For it can be no longer the common welfare, when a tyrant or a faction abuses it; and the people itself is no longer the people when it becomes unjust, so that it is no longer a community associated by a sense of right and utility, according to the definition.[16]

In the foregoing we have a most important aspect

[16] Augustine, *De Civitate Dei*, iii, 3–21.

bic ethics, as interpreted by Cicero, analyzed and cepted by St. Augustine as a part of the general sub-ucture upon which Christian ethics were superimposed. the history of the transmutation of human thought few ngs are more imposing than the meeting of the mind the last and greatest of the Roman philosophers of the gan period with that of the first really great philosopher the Latin church. The chasm to be bridged was nar-w, because Stoic ethics as developed by Cicero were vancing toward the standards of Christian ethics as eloped by St. Augustine.

Stoic ethics as substructure of Christian ethics.

Great as was the influence of Roman Stoicism upon ristian ethics and culture, as interpreted by Cicero, ater still was its influence upon Roman law which drew scientific form as world law from the Stoic invention wn as the law of nature. Prior to the creation of the ic ideal of a world-state, governed by permanent, uni-m, and universal law flowing from a single and reme God as its source, all codes were looked upon as ely local creations, belonging exclusively to the citizens the city-states that adopted them. In the following pter an attempt will be made to explain how that rnitive and narrow conception was forced to yield at ne, under the influence of Stoic theory, to the higher ception embodied in the *jus gentium,* which Cicero was first to describe when he said it—

Stoic influence on Roman law.

> . . is not to be one law for Rome, another law for Athens, one w today, another law tomorrow, but one eternal and immutable w for all nations and for all ages, as God the common master ruler of all, the author, the interpreter, the enactor of law is e.[17]

When we estimate the number and scope of all the

[17] *De Repub.,* iii, 22.

Number and scope of Cicero's extant works.

extant works of Cicero, embracing as they do the oratio
of which there are more than fifty; the philosophical a
literary treatises, the principal of which are: *De Rep*
lica, De Legibus, De Finibus, De Officiis, De Natu
Deorum, De Divinatione, De Oratore, De Claris O
toribus, Academica, Tusculanae Disputationes, De Sen
tute, and *De Amicitia;* and the correspondence consist
of nearly a thousand letters, it is hard to repress
thought that the sum total is as far beyond the reach
the mass of mankind as if it did not exist at all.

The general reader must ever regard the works
Cicero even as Emerson regarded the works of Goet
seventy volumes in all, when, in one of his charming l
ters to Carlyle, he said: "Thirty-five I have read, but
compass the other thirty-five I can not." Works so ext
sive and profound as those of Cicero and Goethe
Inaccessible to the many.
never be fully explored by the many; they can be viev
only in part through the medium of an anthology wh
well-selected passages should be made to reveal fr
many angles, like the facets of a diamond, the cent
light within.

When we take into account Cicero's wonderful capac
for condensation, his power to dramatize thoughts,
marvellous faithfulness and fulness of his revelations
his innermost self, the mind is tempted to believe t
many of his epigrammatic utterances were specially p
pared as short messages to posterity. Fame has c
tainly secured to him everything except an anthology
which he evidently made preparation. While gems fr
the works of the gifted son of ancient Italy have for a
been scattered like stars through the firmaments of
literatures, in no language, so far as the author has b
able to ascertain, is there any separate and distinct col

ion of his sayings, apart from the sayings of others, that nay be called "The Anthology of Cicero."

Ruskin's comment on books made for all time.

Ruskin, in speaking of books made for all time, has aid:

> Books of this kind have been written in all ages by their greatest ien — by great readers, great statesmen, and great thinkers. They re all at your choice; and Life is short. . . . . Thus is constituted society continually open to us of people who will talk to us as ng as we like, whatever our rank or occupation — talk to us in ie best words they can choose, and of things nearest their hearts.[18]

Those who are unwilling to burn more incense to the dmitted vanity of Cicero by erecting a throne upon which e may hold a perpetual court, as does Napoleon under ie dome of the Invalides, may be comforted by the ought that we may humble him by compelling him to and, hat in hand, ever ready to read to us from his nthology his choicest and only his choicest thoughts, henever we may deign to grant him an audience.

In his *History of English Literature,* Taine has said:

Beneath every document there was a man.

> Under every shell there was an animal and beneath every docu- ent there was a man. Why do you study the shell, except to present to yourself the animal? So do you study the document ly in order to know the man. The shell and the document are eless wrecks valuable only as a clue to the entire and living istence.[19]

The only certain clue to Cicero's works is to be found the man considered as a part of the history of the oman Republic at a time when the primitive machinery a city-state was breaking down under problems imposed a rapidly growing empire; at a time when the ancient d archaic Roman code was being superseded by the *gentium,* destined to transform the law of a city into

[18] John Ruskin, *Sesame and Lilies,* pp. 52–57.
[19] Vol. i, p. 1.

a "law available for the world in general;" [20] at a tim when Greek culture, including philosophy of the Sto brand, was illuminating all that was best and strongest i Roman life. At such a moment Cicero became "the pe and mirror of a great transition in the political history o the Mediterranean world." [21]

Cicero "the pen and mirror of a great transition."

It is therefore necessary that "The Sayings Cicero" should be prefaced by such a sketch of the ma as will reveal something of the political conditions in th midst of which his stormy life began and ended; som thing of the history of the Roman Law and Roman bar the time when his forensic triumphs were won; somethin of the Greek culture in philosophy and letters whi enabled him to make Latin a philosophical language ad quate for the expression of his thoughts in orations an treatises. A great authority has said: "He succeed admirably in transcribing the current ideas of the Gre schools, especially those of the Stoics, in a language f more attractive and eloquent than that of his post-Arist telian models." [22]

After a prolonged and patient study of his relations Roman law, both on the theoretical and practical sid and after a reasonably thorough examination of the pol ical and literary history of the epochal period to whi he belongs, the writer has attempted to draw, within re sonable limits, the picture existing in his own mind Cicero as advocate, scientific jurist, essayist, philosoph and patriot, which he undoubtedly was. In that way honest effort has been made to popularize his history a works among people of the world who have neither t

[20] Sohm, p. 86.
[21] Sihler, viii.
[22] Frederick Pollock, *History of the Science of Politics*, p. 31.

ne nor the inclination for more extended research. nrough his charming eloquence, oral and written, he as ever striving to interest busy men of the world by rning away from abstract speculation to the practical oblems of life.

Cicero as a wit.

In studying the life and works of Cicero we should ver forget that he was an optimistic, emotional man, e greatest wit of his time, who never lost a chance to ake either a pun or a *bon mot*. He was obliged to com-ain, as Mr. Lincoln might have complained, that all the es of the day were attributed to him, including the bad es. Caesar had a standing order that all of his flashes ould be reported to him.

His charge against Volumnius.

Already in 54 B.C., in the oration for Cnaeus Plancius we Cicero complaining, with an air of evident self-satisfaction, t it was the fashion to attribute to him the jokes that gained cur-cy in Rome; three years later (*Ad Familiares* vii, 32) he play-y charges Volumnius with disloyalty in not defending his repu-on against the *bons mots*, "all sayings of all men," that were g circulated in his name. In a letter to Paetus (*Ad Fam.* 16) we are told that Caesar was making a collection of apo-ms, and that, when sayings of Cicero were brought to him, he essed to be able to tell — by the ring as it were — which were ine; another collection of Cicero's sayings had previously been e by Trebonius (*Ad Fam.* XV, 21; 47 B.C.).[23]

Collection of witticisms circulated after his death.

he collection of Cicero's witticisms, arranged in three oks and circulated after his death, is supposed by some ave been the work of his very astute secretary and lit-y executor, Tiro — an assumption weakened, however, y the fact that Quintilian, who used it, expressed regret the number preserved had not been diminished by a ce judicious editing. Such is undoubtedly the source

[23] "Cicero as a Wit," by F. W. Kelsey in *The Classical Journal* for mber, 1907, p. 7 (The University of Chicago Press).

of fifty or more witticisms attributed to Cicero, but found in his works, which have been preserved by P tarch, Quintilian, and Macrobius,[24] the last of whom s that Plautus and Cicero surpassed all of their contem raries in the quality of their jokes.[25] It is a comfort know that the great orator was always ready to enjo joke at his own expense; and, if he was vain, it was " vanity of the peacock, not of the gander." All admit t while he was vain and fond of praise, from envy he w absolutely free. He had a very warm heart, and th never was a better friend. He was too proud to jealous of any man's reputation, and in his maturer ye he became more appreciative of younger men like Bru and Octavius.

His life, like every other, was moulded largely by environment. He looked to Greece for his culture cause there was no other available. Apart from so indifferent productions by obscure Epicureans he despis and the poem of Lucretius, there were then in Latin manuals of philosophy or of philosophical writings.

Inventor of a philosophical terminology.

was therefore compelled to invent a philosophical ter nology for the Romans, and to prepare a series of m uals which, by reason of their lucidity and beauty of st are for all time. He was, by nature, prone to philosop which he tells us is "the fountain head of all true quence, the mother of all good deeds and good works.

Not until after he had begun life as a writer on rhet

[24] Macrobius, *Saturnalia,* iii, i, 10. For the witticisms attribute Cicero, but not found in his works, see the *Fragmenta* in the editio Cicero's works by Baiter and Kayser (vol. xi) and C. F. W. Mu (pt. iv, vol. iii).

[25] "The essence of Latinity is to be found not so much in the epic or poet as in the comedies of Plautus and the letters of Cicero." — He Paul in *Men and Letters,* p. 246.

[26] Cicero, *Brutus, sive de Claris Oratoribus,* 93.

id he begin his career as an advocate, thus producing the nmortal orations that soon made him the leader of the Roman bar. The prestige thus won opened the way to olitical preferment and the holding of office as quaestor, urule aedile, praetor, and consul. After such an expe-ence he again took up his pen and produced such works n government and law as the *De Republica* and *De egibus,* in the first of which is contained an invaluable istory of the Roman constitution. As a sidelight we ave for years the invaluable correspondence without hich a large section of Roman history would be almost blank. Above it all broods the predominating influence f the Stoic philosophy which made an indelible impress pon every kind of Roman thinking connected with gov-rnment, law, and morals. The narrative has been so rranged as to reveal the processes through which his orks grew out of the actual conditions and experiences f his eventful life.

His invaluable correspondence.

No sketch of Cicero's life, as a summary of his acts, n be at all complete unless supplemented by an anthol-gy, as a summary of his thoughts, whose breadth and pth can be measured only when viewed through speci-ens presenting them as a connected whole. It is not an aggeration to say that just before the expiring paganism Greece and Rome breathed its last, Cicero made a mplete inventory of its thoughts and feelings, which he embalmed as to make it possible for us to transform a ad past into a living present. Ample proof of that ertion may be found in the anthology containing the grams through which he speaks the thought of the cient world as to almost every subject involved in man life.

Necessity for an anthology.

The purpose of the sketch is to state, within narrow

limits, the essence of what Cicero did; the purpose of th anthology is to state, within narrow limits, the essence o what he said. Only with the aid of both can we know th man. In collecting and arranging the sayings of Cicero, th common property of everybody, in a compilation whic may be called for the first time the Anthology of Cicero my daughter and myself have worked together; and ou hope is that we have made a good beginning that will b enlarged by other hands as time goes on.

After putting together everything to be found in th dictionaries of classical quotations and other collections such as those of the Abbé d'Olivet, Ramage, Harbottl and Brown, with translations taken from the best ver sions, an effort has been made to widen and systematiz the materials thus obtained by our own investigation and those of a few eminent scholars who have been goo enough to aid us in the task.

CHAPTER II

STOIC PHILOSOPHY AND ROMAN LAW

THE genius of the Greeks broke down at the threshold of law in the higher sense of that term. If they had succeeded in building up an extensive and powerful empire, the outcome might have been a great codification that would have rendered the compilations of Justinian unnecessary. But the fact is that no such thing happened. The Greeks left behind them no complete or imposing legal monuments; they produced nothing which, in any proper sense, could be called a philosophy of law. After every advance made, either upon the practical or theoretical side, in the effort to establish anything like a science of positive law has been estimated at its full value, the fact remains that no such result was attained. It is hard to negative the assertion that neither the Greeks themselves nor any society thinking or speaking in their language ever developed the smallest capacity for producing a philosophic system of jurisprudence.[1] It was reserved for the Romans to present to the world the science of positive law as an original contribution. Juris-

Failure of the Greeks to produce a philosophy of law.

Jurisprudence a Roman creation.

[1] Of their conceptions of law and procedure we can only catch glimpses from the Homeric poems, from the fragments that remain of the Hellenic codes, from the details of law and practice found in the orations of Demosthenes and other Greek orators, from what Plato tells us in the *Dialogues*, the *Republic*, and the *Laws*, from the fragments of a legal treatise by Theophrastus, referred to in the first book of the *Digest* of Justinian, and from the outlines of public law to be traced in the *Politics* of Aristotle. See Rudolphe Dareste, *La Science du Droit en Grèce, Platon, Aristote, Théophraste*, Paris, 1893; Pollock and Maitland, *History of English Law*, Introd., p. xxvii.

prudence is strictly a Roman creation — as an immor tality it has survived the wreck of the Empire.

Roman law as a factor in civilization.

Next to the Christian religion, Roman law is certainly the most potent factor that has entered into modern civilization. After all fair deductions have been made in favor of the spheres occupied by the Chinese, Moham medan, and Hindu law systems, the fact remains tha the Roman and English law systems now cover nearly the whole of the civilized and most of the uncivilized world, the area occupied by Roman law and its depend encies being the wider of the two.[2]

As an element in English law.

But that statement must be supplemented by the all important fact that England can not fairly be said to have an indigenous system of private law all her own enriched as it has been, in all its vital parts, from Roman sources. Even laymen know that the systems of English equity and admiralty were derived from Roman law in its civil form, just as the systems for the administration of estates, wills, and guardianships were derived from Roman law in its canonical form. And from the same fountain was drawn the entire substructure of international law.

Grotius and the *jus gentium.*

The epoch-making work of Grotius, brilliant as it was simply involved an application of one branch of Roman private law known as the *jus gentium* — the law common to all nations — to states instead of individuals. If he was a genius, as he undoubtedly was, his genius consisted entirely of his ability to extract from that body of rules known as the *jus gentium,* applied by the Romans only between man and man, a code adequate for the regulation of the relations between the Christian

[2] For a more complete statement, see the author's *Science of Jurisprudence,* pp. 45–46.

tates of Western Europe after the Holy Roman Em-
ire had ceased to be an international bond between
hem.[3]

If it be true that that refined and philosophic deposit, abricated by the Roman jurisconsults and known as the *us gentium,* is the source from which have been derived ot only all the finer parts of the private law of the civ-ized world, no matter whether English or Roman, but lso the existing law of nations, then no argument should e necessary to prove that the history of its making is upremely important. As Cicero is connected in a very onspicuous way with that history, the purpose of this itroductory chapter will be to draw out, within narrow mits, the marvelous process of evolution out of which ie *jus gentium* emerged.

Cicero and the *jus gentium.*

Throughout the Mediterranean world the dominant orm of political organization was the city-state which, as efined by Aristotle, was a society of men dwelling in a alled city, with a surrounding territory not too large allow its free inhabitants habitually to assemble within to discharge the duties of citizens.[4] Every city-state ad its customary law, the blended product of religious nd secular elements, which regulated within its limits ersons in family, clan, and tribe, and things in the same elation and jurisdiction.

City-state as defined by Aristotle.

Along the Mediterranean seaboard the customary law each city-state steadily developed down to that epoch which it was transformed into a written code of that ype which appeared in Greece, Italy, and on the Hel-nized coast of Asia at periods similar in respect to the

[3] See the author's *International Public Law,* pp. 30, 78–81.

[4] Aristotle thought that a state should not be too large to deny to its zens the opportunity to become familiar with each other. *Ἀναγκαῖον γνωρίζειν ἀλλήλους, ποῖοί τινές εἰσι, τοὺς πολίτας.* — *Politics,* vii, 4, 13.

relative progress of each community.[5] It was to tha

Class of codes to which the *Twelve Tables* belonged.

class of codes that the *Twelve Tables* of Rome belonge the first codification of the *jus civile,* the local law of th city, administered by the city judge, *praetor urbanus,* onl between Roman and Roman. As there was a religiou element in all such archaic law it could not be applied t a foreigner. If, in the early days, a foreigner settle at Rome he could not bring the law of his own city wit him; and he could have no possible participation in th law of Rome, because that was the exclusive property o her own citizens.

Rome as a commercial metropolis.

Such was the rule when Rome began to grow into th commercial metropolis of the Mediterranean Basin, station to which she was predestined by her geographic position. Camillus is reported to have said:

> Not without reason did the gods and men select this site f the foundation of Rome—healthful hills, a convenient riv equally adapted to maritime and inland trade, the sea not t far off to present an active international commerce, nor so ne as to expose the city to a sudden attack from foreign vessels; site in the center of the peninsula, a situation made, as it wer on purpose to allow the city to become the greatest in th world.[6]

Again, in the equally graphic words of Cardinal Gi bons:

> Rome's happy position and its climate, no less than the ru and simple virtues of its first inhabitants, made it one day th mistress of the world's most historic peninsula. The story of h political growth fascinates us forever, as it did Polybius and S Augustine. The very wreckage of her splendor, palaces, bath porticos, theaters, obelisks, arches, still encumbers the sites

[5] As to these early codes, see Sir Henry S. Maine, *Ancient Law,* pp. 13–2 (a work which cannot be overpraised), and Pollock, Introduction and Not to Maine's *Ancient Law,* pp. 4–7.

[6] Livy, *History,* v, 354.

parted greatness, and our eyes may richly feast on the sites ere Cicero spoke to the masters of this earth, and where Augus- ruled with firm hand the enormous mass of empire that God d permitted gradually to coalesce around the Mediterranean o a compact unity, the divinely preordained basis and condi- ns of the new spiritual empire that was to rise amid the ruins its political forerunner and herald.[7]

The result of such a favored situation was an influx of reigners to Rome whose need of law compelled as rly as 242 B.C.[8] the appointment of the *praetor pere- inus,* the praetor of foreigners, whose duty it became to minister justice between Roman citizens and foreigners d between citizens of different cities within the Empire.[9] s such praetor could not rely upon the law of any one y for the criteria of his judgments, he naturally turned s eyes to the codes of all the cities from which came the arm of litigants before him.

The *praetor peregrinus.*

While the laws and customs of the Italic cities were, no ubt, similar to those of Rome herself, those of the gyptians, Carthaginians, and Syrians were marked by any features of their own. Between the two extremes od the best standards of comparison in the laws and stoms of the Greek cities which, while varying a good al in detail from city to city, seem to have borne a fam- resemblance to one another. Thus we encounter what perhaps the earliest application of Comparative Law, ployed by the *praetor peregrinus* for the purpose of

Jus gentium the product of Comparative Law.

Roma, preface, 5.

The date is not absolutely certain. Livy (*Epitome* 19) says it was 512; us (*De Magister,* i, 38, 45) says it was 207 U.C., which corresponds to of the Varronean era.

Every alien, *i.e.,* non-citizen, was, as such, absolutely barred from the of any of the formal juristic acts of early Roman law. Pomponius tells hat the new magistrate derived his title from the fact that his principal was to administer justice to the increasing peregrin population.— *Digest,* i, 2, 2, 28.

extracting from the codes of all the nations with which th Romans were brought into commercial contact a body principles common to all which, when fused into one cod could be called "the law of the nations," *i. e.*, law commo to all nations — *jus gentium*.[10] Before this new plant, th product of the comparative process, reached its maturi it was fertilized and developed under the inspiration of theory drawn by the Roman jurisconsults from a foreig source.

Theory of natural law a Stoic invention.

A century or more before the fall of the Republic th intellectual life of Rome had passed under the dominio of her subjects in Attica and Peloponnesus, just after th had yielded to the ascendency of the Stoic philosophe who were ever striving to discover in the operations nature, physical, moral, and intellectual, some unifor and universal force pervading all things that could designated as the law of nature — the embodiment of u versal reason. With the growth of the dominion of Ro and the consequent necessity for the extension of the co of a single city to many cities, there was a natural cravi for the discovery of legal principles capable of univers application. In response to such a demand Comparati Law collected the data, in the manner heretofore point out, and Stoic philosophy supplied the theory upon whi such data were worked into the new creation known as t *jus gentium* — the common reservoir from which ha been drawn all of the finer principles of modern jurispr dence, in all codes, national and international.

Before the close of the fourth century B. C., Greek p losophy had reached its zenith in Plato and Aristotle.

[10] It is clear that such a conception was well defined as early as second century B.C. — *De Off.*, iii, 69-171. Cf. Professor Nettleship, on " Gentium," *Journal of Philology*, xiii, 169; Voigt, *Das Jus Naturale, passi* Bryce, *Studies in History and Jurisprudence*, pp. 583–84.

eir hands the Socratic theory of conceptions had reached most perfect development through the grouping around finite centers of the entire range of contemporary knowl-ge, thus affording a connected view of the world as a ole. Searching inquiries into morals had supplemented e study of nature, while natural science itself in all its anches had been materially enlarged. More important ll, idealism, the most complete and characteristic expres-n of the intellectual life of Greece, as interpreted by e genius of Plato, had been harmonized with experience Aristotle, who, through the union of theory with prac-e, had made constructive criticism an art.

Zenith of Greek philosophy in Plato and Aristotle.

But that golden age of intellectual splendor was short-ed. Greek philosophy, like Greek art, being the off-ing of political freedom, declined with its loss. First he the blight of the Macedonian supremacy; by the tle of Chaeronea (338 B.C.) the doom of Greece was led; all attempts made by her to throw off that yoke ed in defeat. The Macedonian overlordship was to d only to that of Rome; and when in 146 B.C. the vince of Achaia was incorporated under Roman rule last hope of freedom passed away forever. The com-sation was in the fact that with the sweeping away of onal independence, barriers between nations had been ken down. By the concentration in large empires of t and West, Greeks, Romans, and barbarians were ed and brought into closer contact upon every point. ler such conditions,

Decline after the loss of political freedom.

Creation of large empires.

hilosophy might teach that all men were of one blood, that all equally citizens of one empire, that morality rested on the ion of man to his fellowmen, independently of nationalities of social ranks; but in so doing she was only explicitly stat-

ing truths which had been already realized in part, and wh were in part corollaries from the existing state of society.[11]

Conquests of Alexander.

While extending Hellenism to the farthest East, t conquests of Alexander had shattered the old order the Greek world and made way for the new order of v territorial kingdoms destined eventually to be swallow up in the Roman Empire. And so, as the city-state w its narrow horizon sank into the larger territor aggregates, nationality naturally tended to become c mopolitan.

Effect of political and geographical changes on philosophic thought.

By such political and geographical changes the cou of philosophic thought was profoundly changed. T political and ethical theories of Plato and Aristotle we based upon the free and independent life of small ci communities in which the mind of the unfettered freem boldly attacked every intellectual problem, without rega to the ulterior consequences. It is not, therefore, stran that to the mental powers of the Greek the loss political independence was a staggering blow. With t loosening of the ties of civil and local patriotism the fatherland, and with the corresponding change th wrought in the position of the individual, his tender was to withdraw within himself, and, by ignoring t strife raging without, to make happiness behind the b riers of his own inner life depend upon his inward st alone.

Philosophy takes the place of religion.

As the old belief in the gods was gone, the place religion must be supplied by philosophy, not of a th retical and unfruitful kind, but of such a practical ki as could supply moral uprightness and moral streng In the midst of such conditions it was Zeno who cau

[11] Edward Zeller, *Stoics, Epicureans, and Sceptics,* pp. 1–18, Reic trans.

practical spirit of his age — the desire for a popular ilosophy to meet individual needs. In all he and the ler Stoics taught there breathes an enthusiasm for hteousness in which has been traced the earnestness the Semitic spirit.[11a] The Macedonian ascendency, ile dealing a death blow to the independence of Greece, d as a compensation opened up a new world in which r energies and her thoughts could expand, securing—

> . . . for her culture the place of honor among the nations of East, but producing at the same time a tardy, but, in the long , important back-current of Oriental thought, traces of which ear in the philosophy of Greece a few centuries later. . . . . triking feature in the history of the post-Aristotelian philosophy, l one which at the same time brings forcibly home to us the rough change of all circumstances, is the fact that so many of representatives come from eastern countries in which Greek and iental modes of thought met and mingled.[12]

Mingling of Greek and Oriental modes of thought.

Zeno, the founder of Stoicism, a native of Citium,[13] a eek colony in Cyprus,[14] removed to Athens about 320 ., and, after a long course of intellectual prepara- n, appeared as a teacher, probably soon after the be- ning of the third century. His followers, called at t Zenonians, were afterward known as Stoics from Stoa, Ποικίλη Στοά, "Painted Porch," the place selected the master for the delivery of his discourses.

Zeno the founder of Stoicism.

Although he lived and taught at Athens, his youth was spent in ty that was half Phoenician, and many of his most distin-

[a] "Stoicism, like Christianity, was primarily a religion for the oppressed, igion of defense and defiance; but, like Christianity, it had the requisite er of adaptation."— Gilbert Murray, *The Stoic Philosophy*, 1915.

Zeller, pp. 14, 36.

The dates in his life are very uncertain. He is said to have been y when he arrived at Athens. — Diog., 2.

Alongside of the old Greek population Phoenician emigrants had d, hence its inhabitants are sometimes called *e Phoenicia profecti Fin.*, iv, 20, 56), and Zeno is himself called a Phoenician (Diog., vii, 3, 5, 30; ii, 114).

Characteristics of the system.

guished followers had a like association with the eastern wo
The system deals with all the great themes touched upon
Chaldaism, Persism, and Buddhism. Like the first, it ins
that there exists an unchanging Destiny, according to wh
events throughout the universe are predetermined from etern
Like the second, it sets up as claiming the worship and allegia
of men a Supreme Deity, who governs the world with bound
power and benevolent will, and is manifested to men as the Lo
or "divine Word." . . . . In its practical ethics, though it d
not advocate the suppression of all desires, it so far agrees w
Buddhism as to hold that happiness is only found in the sub
dination of individual claims to the voice of universal reas
Finally, its teachers are actively engaged in propagating its d
trines and guiding its disciples. Stoicism has, in short, the inw
and outward characteristics of the other great movements
have described, and may claim without presumption to be re
oned amongst the world-religions. . . . . All the terms commo
used in association with a personal deity are adopted by the Sto
'their god is Lord and Father. . . . . Further, besides the p
sonal and the material conceptions of the Deity, they adop
and developed a conception which exercised an extraordin
influence over other systems, when they attributed the exer
of all the powers of deity to the divine Word, which from
point of view is the deity itself, and from another is someth
which emanates from him and is in some way distinct.[15]

Magnificent notion of a single God.

The key to the new system, based really upon the ma
nificent notion of a single God, who is Lord and Fath
is to be found in Zeno's first book, the Πολιτεία,
Republic, evidently a counterblast to the work of
same name by Plato,[16] whose political theories alw
presuppose the existence of small civic communit
divided by convention into classes. Discarding the
and grasping the new conception of political organi
tion, represented by large empires in which the barri

[15] Arnold, pp. 17–19, 66.

[16] ἀντέγραψε πρὸς τὴν Πλάτωνος Πολιτείαν. — Plut. *Sto. Rep.*, 8, 2 (H
von Arnim, i, 260).

ere broken down between local communities, Zeno's eal state was made to embrace the whole world in such way that a man may no longer say "I am of Sidon," r "I am of Athens," but "I am a citizen of the world," ho, sweeping away all distinctions between Greeks and rbarians, recognizes the brotherhood of man and the therhood of God.

Stoic state a cosmopolis.

The root-principle of the Stoic state is that it is world-wide, cosmopolis. This title arose from the practice, attributed to crates and Diogenes (as well as others) of replying to the current estion, "Of what city are you?" by the answer, "Of the universe." 'e must therefore regard ourselves as members not of a clan or y, but of a world-wide society. In this society all distinctions race, caste, and class are to be subordinated to the sense of nship and brotherhood.[17]

The universal law.

Zeno's world-state was subject to the reign of law; the nd of cohesion was the Logos *(ratio atque oratio)*.[18] eason and the universal law exist in the community om the beginning. The eternal Wisdom, through nich the primal matter took shape, is, in another aspect, e Right Rule (ὀρθὸς λόγος, *vera ratio*) which commands d forbids. "If there is a universe, then there is a iiversal law, forbidding us to do this and refrain from it." Or, to put it in another way,

When regarded as the groundwork of natural formations, this rmary Being or general law is called Nature; but when it pears as the cause of the orderly arrangement and development the world, it is known as Providence; or in language less tech-

[17] Arnold, pp. 273–75, citing Arnim, i, 262; "patriam meam esse mun- n sciam," — Seneca, *Dialogues*, vii, 20, 5; "membra sumus corporis mi; natura nos cognatos edidit." — *Epis.*, 95, 52.

[18] "ejus [societatis humanae] vinculum est ratio et oratio, quae conciliat r se homines conjungitque naturali quadam societate." — *De Off.*, i, 50.

nical, as Zeus or the will of Zeus; and in this sense it is popula said that nothing happens without the will of Zeus.[19]

Chrysippus, the second founder.

From Zeno we pass to Chrysippus, the second found of Stoicism, born at Soli in Cilicia, about 280 B. C., wh after being trained possibly by the founder himself, s ceeded, on the death of Cleanthes, to the presidency the Stoic school.[20] While only the titles and a compa tively small number of fragments of his works, said have been not less than 750, have come down to us, seems to be certain that, deviating from the teachings Zeno and Cleanthes, he so expanded Stoic doctrine every direction and with such completeness as to lea hardly a gleaning of details for his successors to gath up. As Cicero has expressed it:

Cicero's statement.

For what article of Stoic doctrine has been passed over Chrysippus? And yet we read also Diogenes, Antipa Mnesarchus, Panaetius, and many others, and especially the wo of my own personal friend Posidonius.[21]

The Diogenes of whom Cicero speaks was of Seleu or Babylon (Diogenes Stoicus), and succeeded Chrys pus as head of the Stoic school of Athens; and was s by the Athenians, 155 B.C., as one of the embassy Rome where he is supposed to have died shortly aft ward. He should not be confused with Diogenes La tius, our chief authority for Stoic doctrine, who wro with the aid of earlier works, the biographies of Greek philosophers in ten volumes, probably in the rei of Septimius Severus (193-211 A.D.). Only fragme of the writings of the earlier Stoics have come down

Diogenes Laërtius chief authority for Stoic doctrine.

[19] Zeller, pp. 161–71.

[20] "Chrysippum qui fulcire putatur porticum Stoicorum." — Cic *Academica*, ii, 24.

[21] *De Fin.*, i, 2.

.[22] Among such fragments we have the following defi-
tion of the right rule, the common or universal law, Universal law defined.
om Chrysippus himself: "The common law, which is
e right reason moving through all things, identical with
eus, the supreme administrator of the Universe."[23]
rofessor Holland, a prince among jurists, practical as
ell as scientific, says:

> The Stoics were in the habit of identifying Nature with Law
> the higher sense, and of opposing both of these terms to Law
> hich is such by mere human appointment. "Justice," they say,
> by Nature and not by imposition." "It proceeds from Zeus
> d the common Nature."[24]

Cicero simply reiterates Stoic doctrine when he says:

> Law is the highest reason, implanted in Nature, which com-
> nds those things which ought to be done and prohibits the
> verse. . . . . The highest law was born in all the ages before
> y law was written or state was formed. . . . . Law did not
> en begin to be when it was put into writing, but when it arose,
> at is to say at the same moment with the mind of God.[25]

Law exists of itself and by natural growth (*φύσει*); it
es not need to be created, since reason and universal
w exist in the community from the beginning. The
iting down of laws is only a stage in their develop-
ent.[26]

Notable words on this great subject have just been A notable statement from Prof. Murray.
oken by Gilbert Murray, professor of Greek at the
niversity of Oxford:

[22] The complete works of the later Stoics — Seneca, Epictetus, Marcus relius, Heraclitus, Cornutus — who lived under the Roman Empire, are l extant.

[23] *Ὁ νόμος ὁ κοινός, ὅσπερ ἐστὶν ὁ ὀρθὸς λόγος διὰ πάντων ἐρχόμενος, ὁ αὐτὸς τῷ Διὶ καθηγεμόνι τούτῳ τῆς τῶν ὅλων διοικήσεως ὄντι.* — Chrysippus, *Apud Laërtes,* vii, 88.

[24] T. E. Holland, *Elements of Jurisprudence,* p. 32, 10th ed.

[25] Cicero, *De Legibus,* i, 6; ibid. i, 15; ibid. ii, 4.

[26] "Non tum denique lex incipit esse cum scripta est, sed tum cum orta " — Ibid. ii, 5.

We call it "Evolution." The Greeks called it *Phusis,* a wo which we translate by "Nature," but which seems to mean m exactly "growth," or "the process of growth." It is *Phusis* wh gradually shapes or tries to shape every living thing into a m perfect form. . . . . This fact had made people familiar with notion of natural law. Law was a principle which ran through the movements called the *Kosmos,* or "ordered world." T *Phusis,* the life of the world, is, from another point of view, *Law of Nature;* it is the great chain of causation by which events occur; for the *Phusis* which shapes things towards their acts always by the law of causation. . . . . A natural law, ye natural law which is alive, which is itself life.[26a]

Cicero and Stoic ethics.

With all the faithfulness with which Cicero reproduc the Stoic invention of a law of nature — a permane uniform and universal force pervading all things, a "proceeding from Zeus and the common nature" [27] reproduced the Stoic conception of ethics by which, his later years, he was completely enthralled. So wid did that conception, as the embodiment of Stoic moral differ, both in form and substance, from the popul morality of the times and the ideals of the rival phi sophical schools, that it may also be called, without aggeration, a Stoic invention. The fact is that the o was the corollary of the other. Stoic ethics rested p marily, not on the needs of the individual, but on t demands of the supreme law, the "universal law, biddi us to do this and refrain from that." The fundamen canon was "to live consistently with nature," in the wor

Summary by Laërtius.

of Diogenes Laërtius, whose summary of Stoic ethics generally accepted as a fair statement of the views Chrysippus on this point:

Hence Zeno's definition of the end is to live in conformity nature, which means to live a life of virtue, since it is to vir

[26a] Murray, pp. 36 *sq.,* 1915.
[27] Chrysippus, *Apud Plut. de Stoic. Rep.,* 9.

nature leads. On the other hand, a virtuous life is a life
h conforms to our experience of the course of nature, our
an natures being but parts of the universal nature, thus the
to a life which follows nature, whereby is meant not only
own nature, but the nature of the universe, a life wherein we
othing that is forbidden by the universal law.[28]

That supreme law operated directly on man as a po-
al and social animal, as a citizen of the cosmopolis
world-state, whose constitution was based upon indi-
al liberty and universal reason. And yet a place
left for nationalism by the admission that the Stoic
ciples of politics could be realized under any form
overnment, no matter whether it be a monarchy, aris-
acy, or democracy, or a combination of such ele-
ts.[29] Seneca expressed that idea when he said that
y man is born unto two communities, the cosmopolis
his native city.[30]

A place left for nationalism.

The real purpose for which a man exists, the supreme
d *(summum bonum)*, is to bring himself, as a
of nature, into harmony with the whole, so that
through virtue, may "keep company with God."[31]
ultimate end of Stoicism was the creation of a
d citizen, with a healthily disposed soul, who,
led by the examples of wise men, could rise above
onalism, antiquity, custom, pride, and prejudice, into
realm of universal reason and individual liberty. As

Ideal of a good citizen.

Apud D. Laërt., vii, 85.
The Stoic theory of politics as developed by Panaetius is preserved
bstance by Cicero in the *De Republica*. Cf. A. Schmekel, *Die Philoso-
der mittleren Stoa in ihrem geschichtlichen Zusammenhange darge-*
pp. 63, 69; Arnold, pp. 273 *sq.*
"Duas respublicas animo complectamur, alteram magnam et vere pub-
, qua di atque homines continentur . . . alteram, cui nos adscripsit
cio nascendi." — Seneca, *Dial.*, viii, 4, i.
[Virtus] "habebit illud in animo vetus praeceptum: deum sequere." —
vii, 15, 5.

we shall see later on, that ideal of a good citizen w the weapon Cicero seized upon when, with the zeal of enthusiast and the power of a Titan, he essayed the i possible task of saving the Roman Republic through social, moral, and political regeneration of the governi classes in Roman society.

Founding of Roman Stoicism.

An indication must next be given of the process throu which the intellectual life of Rome passed under t dominion of her subjects in Attica and Peloponnesus, j after they had yielded to the ascendency of the St philosophers who were ever striving to discover in t operations of nature, physical, moral, and intellectu some uniform and universal force pervading all thin that could be designated as the law of nature — the e bodiment of universal reason. The good work beg with the arrival at Rome of the Stoic Crates, the head the library at Pergamus, who in 159 B.C. gave lectu on literature, expounding at the same time, no dou Stoicism, "the earliest offspring of the union between t religious consciousness of the East and the intellectu culture of the West." [32]

Crates, 159 B.C.

Embassy of 155 B.C.

Then in 155 B.C., came the famous embassy fr Athens, including the heads of the three most importa philosophical schools, Diogenes of Babylon representi the Stoics, Critolaus the Peripatetics, and Carneades t Academics. Such were the forerunners of Panaetius Rhodes, who studied in his youth at Pergamus, probab in the school of Crates,[33] whence he passed to Athe where he attached himself to Diogenes, and afterwar to his successor Antipater.[34] The extension of his studi

[32] Lightfoot, p. 274.
[33] Strabo, xiv, 5, 16.
[34] *Discipulus Antipatri Panaetius.*— Cicero, *De Divinatione,* i, 3.

every branch of philosophy, including astronomy and itics, brought Panaetius into contact with the historian ybius, both of these learned Greeks uniting in admira- n of the Roman constitution.[35] Panaetius was perhaps first Greek who in a private capacity had any insight o the workings of the Roman state or into the char- er of its citizens, opportunity for observation being ned through his visit to Rome where he lived for rs in the house of Scipio Africanus the younger. The endship between the two must have begun before the r 140 B.C., when Panaetius accompanied Scipio on a ssion to settle the affairs of the East,[36] continuing il the death of Scipio in 129 B.C. During that period vas that the noblest and most intellectual men of Rome hered around Scipio and his Greek friends Polybius l Panaetius, forming a society permeated with the nosphere of Stoicism known to the Romans as *manitas.*

Panaetius and Scipio.

Prominent among that first Stoic group was Laelius, o had listened in his youth to Diogenes of Babylon,[37] l who became consul in 140 B.C., appearing as the al Stoic and chief speaker in Cicero's *De Amicitia;* l Mummius, whose oratory was marked with the rug- lness characteristic of the Stoic sect. It was out of "humane" movement that the Gracchan reforms ang, Blossius of Cumae, a pupil of Antipater, inspir- Tiberius Gracchus with schemes that led to his over-

Laelius.

"Humane" movement and Gracchan reforms.

[35] "Memineram persaepe te cum Panaetio disserere solitum coram ybio. Optimum longe statum civitatis esse eum, quem majores nostri is reliquissent. — *De Repub.*, i, 21.

[36] [accepi] "Publi Africani in legatione, illa nobili Panaetium unum ino comitem fuisse." — *Acad.*, ii, 2. Cf. Arnold, pp. 100–101.

[37] "Ille [Laelius] qui Diogenem Stoicum adulescens, post autem Panae- n audierat." — *De Fin.*, ii, 8.

throw.[38] There was, however, no abatement of zeal upo the part of the Stoic nobles who continued to exercise marked influence upon public life.

The Scaevolas.

Notable among these was Q. Mucius Scaevola, th augur, consul in 117 B.C., the devoted friend of Pana tius, who married the elder daughter of Laelius, th younger marrying C. Fannius, who enjoyed some di tinction as a historian. More notable still was Q Mucius Scaevola, the pontifex, the nephew of Muci the augur, consul in 95 B.C., often called the father Roman law, being the first to codify it in eighteen vo

Lucilius.

umes. The Stoic poet was Lucilius, whose teachings expressed in his satires on religion and ethics are in clo accord with the teachings of Panaetius,[39] who may l justly be regarded as the founder of Roman Stoicis which, as localized, took on the form of a kind of religio It has been described as "The System that stood to Paga Rome more nearly than anything else in the place of religion";[40] "Its history resembles that of a religi rather than a speculative system."[41]

Panaetius a reformer.

Panaetius, the founder of "Roman Stoicism," was reformer whose primary purpose, in laying great stre upon ethics, upon the "external duties" required of men, wise and unwise, was to lift the older Stoicism taught by Zeno and Chrysippus out of the stern narro ness that despised the cultivation of art and of life. H mission was to infuse into it a fresh impulse that wou stimulate research in history, philosophy, geograph chronology, philology, and law. Stoicism, thus eman pated from the narrow austerity of its founders, pr

[38] Cicero, *De Amicitia,* ii, 37.
[39] Cf. Schmekel, pp. 444, 445.
[40] Hastings Crossley, *M. Aurelius,* iv; Pref., p. xii.
[41] G. H. Rendall, *M. Aurelius,* Pref., p. xv.

nted its leading tenet, "Live according to nature," with stantaneous success to that powerful class at Rome who, sdaining the innovations of foreign fashion, still clung, theory at least, to the simple habits of their Italian cestors. In the forefront of that class stood the oman lawyers whose alliance with the Stoic philosophy sted for centuries.[42]

Influence of Stoicism on Cicero.

As to the direct influence of Panaetius on Cicero there n be no doubt. Nobody denies that the former's dis- ssion of the practical side of morality in three books duties was the groundwork of Cicero's *De Officiis*. has been said more than once that books I and II of at work are simply a *réchauffé*, in Cicero's style, of naetius upon "external duties," *περὶ τῶν καθήκοντων*. cero himself says that he followed Panaetius, not as a ere translator, but *correctione quadam adhibita*.[43] It beyond all question that the introduction of Stoicism Rome was one of the most momentous of the many anges it experienced, and, while the evidence drawn om history and poetry relates chiefly to its influence on the upper classes of society, it is quite possible that also extended to the working classes, coloring in that y the philosophy of the poor.[44] Certain it is that the

Its influence on Roman law.

stematic study of law, out of which was evolved Roman risprudence, had its beginnings among a group of nkers profoundly influenced by Stoic teaching. As the ccessor of Scaevola we have C. Aquilius Gallus, prae- in 66 B.C. with Cicero, who is notable by reason of e fact that in his expositions of the law he followed e principles of equity.[45] If Cicero's friend Sulpicius

[42] Maine, pp. 52 *sq.*
[43] See *De Off.*, i, 2, 7; 3, 9; iii, 2, 7.
[44] Arnold, p. 380.
[45] "Qui juris civilis rationem nunquam ab aequitate sejunxerit." — ero, *Pro Caecina*, xxvii.

Rufus was not a Stoic, his teacher of dialectic, Lucil
Balbus, was; and in studying oratory he followed St
principles far enough to make his exposition clear.[46] F
foremost among the Stoics of Cicero's time stands
Cato. Portius Cato, who blended the stern tenets of the n
creed with the ancient traditions of his Roman anc
tors. As a popular leader above all private ends, a
patriot above all bribes, as an orator whose plain l
guage and short sentences could reach every mind, a
philosopher capable of real eloquence and striking pa
doxes,[47] he has stood through the ages as the most nota
illustration of what a great citizen cast in the St
mold really was.

More closely associated with Cicero was M. Jun
Brutus. Brutus, the nephew of Cato, who married his dau
ter Portia, an ardent Stoic who stabbed herself
the thigh as a practical demonstration of her wort
ness to be entrusted with a political secret. It was
Brutus, the orator,[48] the tyrannicide, that Cicero de
cated his treatises, *De Finibus, De Natura Deorum,* a
Tusculanae Disputationes, all of which are saturated w
Stoic doctrines.

In the light of what has now been said we may retu
with greater confidence to the point at which the ass
Making of the *jus gentium.* tion was made that the *jus gentium* — the common res
voir from which have been drawn all of the finer c
cepts of modern jurisprudence, in all codes, national a

[46] "Servius [mihi videtur] eloquentiae tantum assumpsisse, ut jus ci
facile possit tueri!" — *Brut.,* xl.

[47] "Cato dumtaxat de magnitudine animi, de morte, de omni laude
tutis, Stoice solet, oratoriis ornamentis adhibetis, dicere." — Cicero, *P*
doxa Sto., 3.

[48] "Tu, [Brute] qui non linguam modo acuisses exercitatione dice
sed et ipsam eloquentiam locupletavisse graviorum artium instrumento.
Brut., 97.

ernational — was the product of a fusion of a body of nciples extracted by the comparative method from the les of all the states with which Rome came into com- rcial contact, and a certain invention of the Stoic phi- ophers known as the law of nature, "proceeding from us and the common nature." As the Stoic cosmopolis world-state embraced the whole of mankind, the law ich governed it was necessarily universal; and as it s an emanation from the mind of an all-wise God, it s also the very perfection of reason. With that posing and convenient theory the Stoic philoso- ers armed the Roman jurisconsults just at the moment en it became necessary to extend the local law of a -state over a growing empire that aspired to universal ninion.

The body of common roots extracted by the *praetor egrinus* from the codes of all the nations with which me was in commercial contact — the law of the nations *s gentium)* — was something entirely separate and dis- ct from the indigenous code *(jus civile)* which the man state had established for itself. It was the new ation *(jus gentium)* that was lifted to the dignity of rld-law, after the jurisconsults had woven into it the ic theory of a natural law at once supremely wise and versal. Before the end of the Republic the *jus gen- n* had assumed definite form; and to Cicero — the at expounder, the master of expression, the author of first philosophic treatises in the Latin tongue — nat- lly fell the duty of describing it. He said:

Cicero the first to describe it.

There is a closer tie between those who are of the same nation; loser tie between those who are of the same state. Our estors distinguished the law of citizens from the law of the ions, that which is proper to citizens not being therewith part

of the law of the nations, whereas that which belongs to the la of the nations ought to belong to the law of citizens also.[49]

The last sentence embodied a prophecy. The law o the nations *(jus gentium)* did finally so enter into th law of the citizens *(jus civile)* as to swallow it up an consume it. By the broad conceptions embodied in th *jus gentium* the strict and narrow archaic law of Rom was so enriched and expanded that in time the *jus civil* was largely superseded. Finally it could be said "Roman law was finished; the local law of the city ha passed into a law available for the world in general."[5] The praetorian law was the channel through which th *jus gentium* gained, in the first instance, admittance int the Roman civil law, which it rapidly permeated. Th praetorian edict was the engine of law reform throug which the harsh rigors of the *jus civile* were displace slowly and cautiously by the *jus gentium,* the equitabl law whose growth and expansion, in opposition to th *jus strictum* of ancient tradition, flowed on with an ever increasing volume. And yet its growth did not suddenl sweep away the *jus civile.* As a system of equity it wa gradually elaborated alongside of the older and stricte law in a process of development extending over a perio of more than five centuries.[51] But, far in advance o the final result, Cicero clearly foresaw all that this world law was to be in the time to come. In the precious frag ment of the *De Republica*[52] preserved by Lactantius h

Sohm's statement.

Praetorian edict an engine of law reform.

[49] "Itaque majores aliud jus gentium, aliud jus civile esse voluerun Quod civile, non idem continuo gentium, quod autem gentium, idem civil esse debet." — *De Off.,* iii, 17.

[50] Sohm, p. 86.

[51] See the author's *Science of Jurisprudence,* pp. 91 *sq.*

[52] "Nec erit alia lex Romae, alia Athenis, alia nunc, alia posthac, sed e omnes gentes et omni tempore una lex et sempiterna et immutabilis con tinebit, unusque erit communis quasi magister et imperator omnium deu ille legis, hujus inventor, disceptator, lator."

clares in terms of matchless power and eloquence of
e law common to all nations *(jus gentium)*:

Cicero's famous definition.

It is not to be one law for Rome, another law for Athens, one
v today, another law tomorrow, but one eternal and immutable
v for all nations and for all ages, as God the common master
l ruler of all—the discoverer, the interpreter, the enactor of
law — is one.

Here we have the clearest and most emphatic asser-
n possible of the Stoic theory of a universal law of
ture identical, as Chrysippus says, with Zeus, the
preme administrator of the universe.
A great jurist has said:

Blending of *jus gentium* and law of nature through *aequitas*.

What was the exact point of contact between the old *Jus
ntium* and the Law of Nature? I think that they touch and
nd through *Aequitas*, or Equity in its original sense; and here
seem to come to the first appearance in jurisprudence of this
ious term, "equity." [52a]

Even in Cicero's time the fusion of the *jus gentium*
h the *jus naturale* was so complete as to induce him
declare them identical.[53] In that way the *jus gentium*
s clothed with a higher authority, a philosophic dig-
v which tended to obscure its humble origin as a mere
ision of private law. To that cause may be attrib-
l the fact that the term *jus gentium* was, in a few
eptional cases, used out of its normal and proper sense
ndicate a branch of law binding on all nations in the
ction of their international relations as *jus commune
tibus*.[54] And so it may be true that "there floated

[52a] Maine, p. 55.
[53] "Lege naturae, id est gentium." — *De Off.*, i, 23.
[54] "Hoc vos Feciales, juris gentibus decitis." — Liv. ix, 11. "Populum
num neque recte neque pro bono facturum, si ab jure gentium se
buerit." — Sallust, *Bellum Jugurthinum*, c. xxii. Cf. Nettleship, *Jour-
f Philology*, vol. xiii, no. 26.

also always before the eyes of the later Roman jurists vision of a *jus naturale;* a universal code, from whi all particular systems are derived, or to which they a tend, at least, to approximate; a set of rules, the matte or contents, of which is of universal application."[55] Th effort to give to the blended product of *jus gentium* an *jus naturale* a strained construction was never successfu It was not the extravagant interpretation of Ulpian, b the more restricted and more reasonable one of Gaius, that finally determined its meaning in the time of th Antonines. As Sir Henry Maine has expressed it:

Maine's statement.

At last at a peculiarly felicitous conjuncture, Ayala and Groti were able to obtain for it the enthusiastic assent of Europe, assent which has been over and over again renewed in eve variety of solemn engagement. . . . . Having adopted from t Antonine jurisconsults the position that *Jus Gentium* and t *Jus Naturae* were identical, Grotius, with his immediate pred cessors and his immediate successors, attributed to the Law Nature an authority which would never perhaps have be claimed for it, if "Law of Nations" had not in that age been ambiguous expression. They laid down unreservedly th Natural Law is the code of states, and thus put in operation process which has continued almost down to our own day, th process of engrafting on the international system rules which a supposed to have evolved from the unassisted contemplation of th conception of nature.[57]

Tribute of Renan.

In the words of Renan:

"Le stoïcisme avait [déjà] pénétré le droit romain de ses larg maximes, et en avait le droit naturel, le droit philosophique, t que la raison peut le concevoir pour tous les hommes. Le dro strict cède à l'équité; la douceur l'emporte sur la sévérité; la ju tice paraît inséparable de la bienfaisance. Les grands jurisco

[55] Holland, p. 6.
[56] *Inst.*, i, 1. See also Justinian, *Inst.*, i, 2, §2.
[57] Maine, pp. 95–96.

ltes d'Antonin continuérent la même œuvre. Le dernier Volusius Moecianus] fut le maître de Marc-Aurèle en fait de risprudence, et, à vrai dire, l'œuvre des deux saints empereurs saurait être séparée. C'est d'eux que datent la plupart de ces is humaines et sensées qui fléchirent la rigueur du droit antique firent, d'une législation primitivement étroite et implacable, un de susceptible d'être adopté par tous les peuples civilisés." [58]

[58] Ernest Renan, *Marc-Aurèle*, pp. 22, 23.

CHAPTER III

CICERO'S GREEK CULTURE

IN THE preceding chapter an attempt was made to indicate in a general way the intellectual conditions surrounding life at Rome, on its philosophic and juristic sides, when Marcus Tullius Cicero, the predestined leader of the Roman bar, was born to a family of equestrian rank, the upper-middle class, on his father's estate at Arpinum, on January 3, 106 B.C.

Born on the farm at Arpinum, January 3, 106 B.C.

Paternal grandfather.

His paternal grandfather Marcus, still living when Cicero was born, was a country gentleman of the old school who opposed all innovations, even the introduction of vote by ballot into Arpinum, which had received the Roman franchise some time before.[1] He so hated the Greeks as to say that his countrymen were like Syrian slaves — the more Greek they knew, the greater rascals they were. His father, also called Marcus, a retiring country gentleman of delicate health, simply cared to live among his books on the ancestral estate, where his gravest concern was the direction of the education of his two sons, Marcus Tullius and his brother Quintus.

Father.

[1] From the *De Legibus,* iii, 16, 36, we learn that "our grandfather, a man of singular virtue in this town of Arpinum, as long as he lived opposed Gratidius (whose sister, our grandmother, he had married) when he wanted to introduce the law of ballot. For Gratidius was raising a storm in a ladle, as the proverb is, as his son Marius afterward did in the Aegean Sea. To such length did the quarrel proceed, that the consul Scaurus, when he was informed of what had happened, made this remark of our grandfather: 'Would to heaven, Cicero, that a man of your courage and honor had better loved to live in the capital of our commonwealth than to bury yourself in a municipal town.'"

[2] In *De Orat.,* ii, 1, Cicero speaks of his father as "optimi ac prudentissimi viri."

his mother Helvia we know only that she was a lady Mother Helvia.
ll born (so says Plutarch); and that she was a shrewd
ifty housewife who used to seal up all the wine jars
the house, even when they were empty, in order that
claim might not be made that some were empty, when
fact they had been drained clandestinely.[3]

The town of Arpinum was situated on the Volscian Town of Arpinum and family name.
ls that divide Latium from Campania at the point
ere the Liris[3a] and Fibrenus met; and it seems that
llius meant originally "spring" or "rivulet."[4] The
nily name of Cicero was probably derived from some
estor who had cultivated the vegetable called *cicer*, if
was not derived from a forebear who took his name
m a wart or carbuncle on his nose. When upon the
eshold of his political career the youthful advocate was
vised to change his name, Plutarch says that he haught-
replied that he would make it more famous than the
nes of the Catuli and Scauri. Scorning all false pretense, Cicero scorned all false pretense.
sneered at the attempt to trace his pedigree to Attius
llius,[5] the Volscian king of old; and he said it would
a falsification of family history if he claimed descent
m Manius Tullius, a patrician consul shortly after
expulsion of the Tarquin kings. Cicero of Arpinum
s perfectly content with his actual lineage; he was
ud of his country home, and of the sturdy stock from
ich he sprang. He was also proud of the old borough

[3] So says her son Quintus in a letter to Tiro. — *Ad Fam.*, xvi, 26.

[3a] A name made familiar by the charming lines of Horace (Lib. i, XXII):

"Non rura quae Liris quieta
Mordet aqua taciturnus amnis."

[4] "Tullios alii dixerunt esse silanos, alii rivos, alii vehementes prones sanguinis arcuatim fluentis." — Festus.

[5] Plutarch, *Cicero*, i.

in which his ancestors had been leading factors for ge
erations. As the "most eloquent of all the sons of R
mulus" expressed it, in after years:

Described his cradle spot.

There is one reason, however, why I am so fond of t
Arpinum, which does not apply to you. . . . . Because, to co
fess the truth, it is the native place of myself and my broth
here; for here indeed, descended from a very ancient stock,
first saw the light. Here is our altar, here are our ancestors, a
here still remain many vestiges of our family. Besides, this vi
which you behold in its present form, was originally construct
at considerable expense, under my father's supervision; for ha
ing very infirm health, he spent the later years of his life he
engaged in literary pursuits. And on this very place, too, wh
my grandfather was alive, and while the villa, according to t
old fashion, was but a little one, like that one of Curius, in t
Sabine country, I myself was born. . . . .

I am very glad that I have brought you here, and shown y
what I may almost call my cradle spot. . . . . What were you
ing to say just now, when you called this Arpinum the true coun
of yourself and your brother Quintus? Have you more than o
country, or any other than the Roman commonwealth in whi
we have a similar interest? Unless, indeed, you mean to s
that the true country of the philosophic Cato was not Rome, b

A man has two countries.

Tusculum. I indeed should say that Cato, and all municip
citizens like him, have two countries — the one, that of their bir
and the other, that of their citizenship. In the case of Cato, w
had been born at Tusculum and was elected a citizen of Ro
he was a Tusculan by extraction and a Roman by citiz
ship; he had one country as his native place, and anot
as his country in law. . . . . It is necessary, however, that
should attach ourselves by a preference of affection to the latt
which, under the name of the Commonwealth, is the comm
country of us all. For this country it is that we ought to sacrif
our lives; it is to her that we ought to devote ourselves witho
reserve; and it is for her that we ought to risk all our riches a
consecrate all our hopes.[6]

[6] *De Leg.*, opening of second book.

While the exact date can not be fixed it is certain that cero's father, moved by the desire to give to his sons portunities for education not to be had in a provincial wn, purchased a house at Rome in the street called arinae, a fashionable quarter between the Coelian and squiline mounts, where the family resided each year, at ast during the period between October and June. hether Cicero then became the pupil of the Roman *ammaticus,* Aelius, a Stoic, described by him as a man rofoundly learned in Greek and Latin letters," we not know. But certain it is that he did become the pil, probably before 88-87 B.C., of the poet Archias, Greek of Antioch, who came to Rome in 102, having ined fame in his own country by reason of such a owledge of the metrical art of Greek letters as enabled n to improvise in verse with exceptional skill on subjects current interest.

The town house in the Carinae.

Pupil of the poet Archias probably before 88–87 B.C.

Under the guidance of Archias, who surely impressed pupil with the necessity for making himself a master elocution, he studied the orators and poets of Greece, nposing at the same time in Greek prose and Latin rse.[7] That he was precocious and ambitious to excel fellow-pupils there can be no doubt, because Plutarch s that when the boys walked abroad they gave him the ce of honor in their midst as a tribute to his brilliant ts, which so excited the curiosity of their parents that y actually visited the places of instruction in order to sfy themselves as to his preëminent endowments. tain it is that from his Greek masters he acquired technical skill in versification and rhythm which he

Brilliant as a youth.

[7] Reference may here be made to an interesting monograph entitled, *mparative Scheme of the Moods and Tenses in Cicero's Translations the Greek,* by Charles Henry Saylor, Johns Hopkins University ies, Baltimore, 1911.

always employed for the embellishment of his speech and essays.

Friendly interest of Antonius and Crassus.

Fortunately for the young Marcus, his father was al to claim the friendship of two eminent pleaders, th the foremost at the Roman bar, Marcus Antoniu (grandfather of Mark Antony) and Licinius Crass the latter the friend and admirer of Aculeo, very emine in the civil law of Rome, who had married a sister Cicero's mother Helvia.[9] Through that family conn tion Crassus, who was full of Greek learning and cultu was induced to direct the education, not only of the so of Aculeo, but of their cousin Marcus Tullius. The la were trained by teachers approved by the great Crass himself; and it appears that, from time to time, they we invited to his house where Marcus had an opportunity witness the perfect fluency with which Crassus spo Greek, "as if he knew no other tongue."[10] It was th Crassus who, as censor, jointly with his colleague, Dom tius Ahenobarbus, in the year 92 B.C. issued an edict cl ing the schools of the Latin rhetoricians in these term

Edict against Latin rhetoricians, 92 B.C.

It has been reported to us, that there are men who have est lished a new kind of instruction *(disciplinae)* with whom you people meet to form classes *(in ludum);* that they have dubb themselves *Latin Rhetors;* that these youths are loafing for wh days at a time. Our ancestors have established what they wish their sons to learn and what classes to attend. The new-fang things which are done contrary to the usage and manner of o ancestors, neither have our approval nor do they seem rig Therefore it seems we ought to set forth our opinion both those who hold these classes as well as to those who are wont attend them, to wit that we disapprove it.[11]

[8] Liv., *Epit.*, 68.

[9] See W. Drumann, *Geschichte Roms nach Geschlechtern*, v, p. 213.

[10] *De Orat.*, ii, 2.

[11] The edict is preserved by Aulus Gellius, xv, 11; and Suetonius, *Claris Rhetoribus*, proem. Cf. Sihler, pp. 11–13.

n his later years Cicero, in order to explain why the potic power of the censorship was thus employed to press Latin schools of rhetoric at Rome, gives Crassus self the opportunity to say:

Explained in *De Oratore.*

Even Latin teachers of rhetoric, please the gods, have risen in the last two years; a class of persons whom I had suppressed by my edict,[12] when I was censor, not because I was willing (as some, I know not who, asserted) that the abilities our youth should be improved, but because I did not wish that r understanding should be weakened and their impudence ngthened. For among the Greeks, whatever was their char-r, I perceived that there was, besides exercise of the tongue, e degree of learning, as well as politeness suited to liberal wledge; but I knew that these new masters could teach youth ning but effrontery, which, even when joined with good qual-, is to be avoided, and, in itself, especially so; and as this, refore, was the only thing that was taught by the Latins, their ool being indeed a school of impudence, I thought it became censor to make sure that the evil should not spread further. I do not, however, determine and decree on the point, as if I paired that the subjects which we are discussing can be deliv-l, and treated with elegance, in Latin; for both our language the nature of things allow the ancient and excellent science Greece to be adapted to our customs and manners; but for a work are required men of learning such as none of our ntrymen have been in this sphere; but if ever such arise, they be preferable to the Greeks themselves.[13]

Cicero's contempt for the Epicureans.

No matter how profound the impression made at me by the new world-religion as preached by the Stoic aetius and his followers may have been upon the er classes in general and upon Roman jurists in par-ar, the fact remains that these apostles of the Porch valiant defenders of the older philosophies of Greece he representatives of the Academic schools, not to

[12] For a reference to this passage, see Quintilian, ii, 4, 42.
[13] *De Orat.*, iii, 24.

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mention the Epicureans. But as the tenets of the Gard
though carefully studied by Cicero,[14] made no serious i
pression upon his mind or life, either in the domain
metaphysics or morals, we may dismiss Epicurus as

His relations with the Academy.

negligible quantity. The serious matter at issue is th
involved in his relations with the Academy which, as
advocate, he woed in his youth, and which, as a statesm
and philosopher, he completely abandoned in his la
years.

Plato.

Plato, the founder at Athens of the philosophical as
ciation known as the "Academy," was no doubt the abl
interpreter of the true mind of Socrates. In the wo
of Ueberweg he "combined the various elements, the,
to speak, prismatically broken rays of the Socratic sp
in a new, higher, and richer unity."[15] And so by far

Aristotle.

ablest of Plato's disciples was Aristotle of Stagira w
branching off from the Academy, founded about 350 B
the school of the Peripatetics, the primary purpose of
founder being to introduce into philosophy, then c
vulsed by the disputes of the followers of Socrates,
spirit of reconciliation. In order to reach the truth, s
the new teacher, we must, after collecting the vari
opinions commonly held, seek the reconciling form
of which each is a partial statement.

After the death of Aristotle, the Peripatetics so gra
tated toward the Academics that in later centuries th
seemed to be but little difference between them. T
Romans found but little divergence between the teachi
of the Peripatetics and that of the earlier Academy. I

[14] He had gained some acquaintance with them at Rome through Ph
drus (*Ad Fam.*, xiii, 1) before he met Philo.

[15] Eng. transl., vol. 1, p. 89, *Grundriss der Geschichte der Philosop*
Tenth ed. by K. Prächter, 1909. Translated from the 4th German ed.
G. S. Morris, 2 vols., New York, 1872–74.

w many schools was the Academy, which lasted from e days of Plato to those of Cicero, divided? Upon at subject the critics are not agreed. Cicero and Varro cognized but two, the old and the new; Sextus Empiri- added a third, the middle; others a fourth, that of ilo and Charmidas;[16] and some even a fifth, the Acad- y of Antiochus. Cicero, who is the principal author- for the history of the Academic schools, pronounces following eulogy on the old Academy. After enu- rating its leaders, he says:

Five Academic schools.

> From their writings and systems all liberal learning, all his- y, all elegance of language, may be derived; and also, so great he variety of arts of which they were masters, that no one can e properly armed for any business of importance and credit hout being tolerably versed in their writings.[17]

Cicero's eulogy of the old Academy.

It was the old Academy that chiefly developed the ical side of Plato's teachings, the path of virtue being icated by the natural capacities of the individual. And Polemo of Athens (head of the school, 314-270 B.C.) ght, according to Cicero, that happiness consisted in rtuous living, aided by those advantages to which ure first draws us," practically the standard adopted Aristotle.[18] It was Arcesilaus (315-240 B. C.), the cessor of Crates, and the disciple of Theophrastus and lemo, who taught that truth can never be certainly own; that life must be guided by consideration of prob- lity, the ethical standard being that "of which a rea- able defense may be made."[19] Such was the nature

Polemo.

Arcesilaus.

[16] According to Cicero (*Acad.*, ii, 6, 17; *De Orat.*, i, 11, 45; *Ad M. tum Orator*, xxi, 41) Charmidas was a pupil of Carneades.

[17] *De Fin.*, v, 3.

[18] "Honeste autem vivere, fruentem rebus eis, quas primas homini natura iliet, et vetus Academia censuit (ut indicant scripta Polemonis), et Aris- les eiusque amici huc proxime videntur accedere." — *Acad.*, ii, 42, 131.

[19] [cuius] "ratio probabilis possit reddi." — *De Fin.*, iii, 17, 58. Cf. old, pp. 55–63.

of the academic skepticism which was developed and s

Carneades.

tematized a century later by Carneades, who is called t
founder of the third, or new Academy. He was the chi
opponent of the Stoics and their doctrine of certitud
Cardinal Newman says:

Views of Cardinal Newman.

> Thus, although we find Carneades, in conformity to the pl
> adopted by Arcesilaus, opposing the *dogmatic* principles of
> Stoics, concerning moral duty, and studiously concealing his p
> vate views even from his friends; yet, by allowing that the s
> pense of judgment was not always a duty that the wise man mig
> sometimes *believe* though he could not *know;* he in some measu
> restored the authority of those great instincts of our nature wh
> his predecessor appears to have discarded. Clitomarchus pursu
> his steps by innovations in the same direction; Philo, who follow
> next, attempting to reconcile his tenets with those of the Plato
> school, has been accounted the founder of a fourth academy
> while, to his successor Antiochus, who embraced the doctrines
> the Porch, and maintained the fidelity of the senses, it has be
> usual to assign the establishment of a fifth.[20]

Philo the teacher of Cicero.

It was this Philo of Larissa, the founder of the s
called fourth Academy, who became the teacher of Cice
when, in his nineteenth year, he began the study of Gre
philosophy in earnest. This official head of the Academ
Sect at Athens, with other conservatives of his kind, h
fled to Rome about 88 B.C., after the Athenian democra
had hailed Mithridates as the champion of the Helle
world.[21] In order to support himself while in exile Phi
gave instruction at the capital, the object of his teachi
being, no doubt, to put such a new complexion on t
skeptical teaching of Arcesilaus and Carneades, as

[20] "Personal and Literary Character of Cicero," *Historical Sketch* vol. i, p. 271.

[21] At this time Philo, a philosopher of the first name in the Acade
with many of the principal Athenians, having deserted their native ho
and fled to Rome, from the fury of Mithridates, immediately became
scholars, and were exceedingly taken with his philosophy. — *Brut.,* lxx

ke it possible to believe that while things were in their
n nature knowable, they were not so by the standard
knowledge the Stoics proposed. And so it was af-
ned both by Philo and Metrodorus that Carneades
d really been misunderstood by everybody.[22] There
ms to be no reason to doubt that the positive teaching
ilo attributed to his master, whether right or wrong,
s held by himself, and emphasized in the discourses in
ich he propounded many theses of practical life, rather
problems to be proven or disproven than as a series
dogmatic axioms or maxims. Among the subjects so
ated were the following:

Claimed that Carneades had been misunderstood.

Whether a man of understanding should enter public life or re in the life of political leaders, whether the wise man should rry, what was the best form of government, whether offices uld be made common or given as an honor to the most worthy y.

His maxims.

The strength of this school was in the presentation of positions and counter-propositions based upon the ual conditions of life, to be proven or disproven, her than mere abstractions whose discussion could bear real fruit. Just at the time when the youthful Cicero s being impressed by the Athenian Academician Philo, father took into his household a Greek scholar and cher of the Stoic sect, Diodotus, with whom the rap- y maturing youth studied Greek philosophy daily in form in which it was expounded by the Porch. In *De Natura Deorum,* he tells us:

The Stoic Diodotus.

It is a mistake to suppose that this application to philosophical dies has been sudden on my part. I have applied myself to m from my youth, at no small expense of time, and trouble;

[22] See R. D. Hicks, *Stoic and Epicurean*, pp. 355–56; and also the edition Cicero's *Academica*, by J. S. Reid, *Introd.*, pp. 58 *sqq.*; Sihler, p. 25.

and I have been in the habit of philosophizing a great deal, wh
I least seemed to think about it; for the truth of which I app
to my orations, which are filled with quotations from the p
losophers, and to my intimacy with those very learned men, w
frequented my house and conversed daily with me; particula
Diodotus, Philo, Antiochus, and Posidonius, under whom I w
bred.[23]

When Cicero married and set up a house of his o
his old teacher went with him,[24] dying in the mansion
Made Cicero his heir. the Palatine in 59 B.C. the year before his patron, wh
he made his heir, was driven into exile. In a letter
Atticus Cicero says: "Diodotus is dead; he has left
perhaps 1,000 sestertia."[25] The wide attainments of t
teacher and friend embraced a knowledge of mat
matics; but Cicero seems to have been most impressed
his instruction in logic, a science in which the Sto
excelled.

No matter whether it was fear of Sulla, as Plutar
The tour abroad, 79–78 B.C. says, or ill health that prompted Cicero when, in 79–
B. C., he went abroad to seek a change of air and sce
accompanied by his brother Quintus, his cousin Luci
Marcus Piso, and above all by his "other self," the
loved Atticus, who had sojourned in Athens since abo
the year 86 B. C.[26] He went with his friends first
Athens Athens, "mother of arts and eloquence," now only
chief town of a Roman province, filled with busy idlers,
it was a century later, when, as they are described by
Paul: "All the Athenians and strangers which were th
spent their time in nothing else but either to tell or to h

[23] i, 3.

[24] Cicero, *Ad Atticum*, ii, 20.

[25] "Diodoto quid faciam Stoico, quem a puero audivi, qui mecum v
tot annos, qui habitat apud me, quem et admiror et diligo?" — *Academ*
ii, 36.

[26] Drumann, *Gesch. Röms.*, vol. v, p. 8.

me new thing." [27] The new thing Cicero desired to hear
as in his favorite domain of philosophy; and in order
advance his knowledge in that direction he renewed
der the guidance of Antiochus of Askalon, then the
ficial head *(scholarchos)* of the so-called fifth Academy,
udies begun at Rome under his predecessor Philo. If
had begun by compromising with the enemy, his pupil
ntiochus, worn out after a long struggle with the Stoics,
ent so far in recanting his agnostic errors as to admit
t only that knowledge was possible, but possible under
e standard he had so long refused to recognize.[28] In
scribing the famous spot in the suburbs of Athens occu-
ed by the Academy, redolent with memories of Plato
mself, Cicero says:

Antiochus. of Askalon

Cicero's description of the place of the Academy.

> One day when I had been hearing Antiochus lecture, as I was the habit of doing, O Brutus, in company with Marcus Piso, that gymnasium which is called that of Ptolemy, my brother intus being with me, and Titus Pomponius, and Lucius Cicero, r cousin on the father's side as to relationship, but our brother to affection, we determined to take our afternoon's walk in the ademy, principally because at that time of day that place was e from any crowd. Accordingly, at the appointed time we met at Piso's house, and thence we walked half-a-dozen fur-ngs from the Dipylus to the Academy, beguiling the way with course on various subjects; and when we arrived at the de-rvedly celebrated space of the Academy we there found the itude we desired. . . . . For the remembrance of Plato comes

[27] "When Cicero came, not long after Sulla's siege, he found the philoso-ers in residence. As the Empire grew, Athens assumed more and more character of a university town. After Christianity was first preached re, this character was confirmed to the place by the embellishments and nefactions of Hadrian. And before the schools were closed by the orders Justinian, the city which had received Cicero and Atticus as students gether became the scene of the college friendship of St. Basil and St. regory, one of the most beautiful episodes of primitive Christianity." — nybeare and Howson, p. 322.

[28] *Acad. Pr.*, ii, 69; cf. Numenius, cited by Eusebius, *Pr. Ev.*, xiv, 9, 1; ugustinus, *Contr. Acad.*, ii, 6, 15; iii, 18, 41; Hicks, p. 357.

into my mind, whom we understand to have been the first perso who was accustomed to dispute here; and whose neighboring gar dens not only recall him vividly to my recollection, but seem eve to place the man himself before my eyes. Here Speusippus, her Xenocrates, here his pupil Polemo used to walk; and the latte used to sit in the very spot which is now before us. There is ou senate-house (I mean the Curia Hostilia, not this new one, whic always seems to me smaller, though in fact it is larger): whenev I have looked upon that I have always thought of Scipio, and Cat and Laelius, and more especially of my own grandfather.[29]

Antiochus' diluted Stoicism.

Such was the hallowed spot in which Antiochus poure out, under the name of the "old Academy," a kind o diluted Stoicism then prevailing, avoiding only a few o its paradoxes and its dogmatic temper.[30] Weary of th skeptical quibbling of such of his predecessors as Arcesi laus and Carneades, he excused his drift towards th Porch by demonstrating that the doctrines of the Stoic were to be found (*i. e.*, foreshadowed) in Plato.[3] Cicero's favorite contention was that the Stoic dialectic as he had learned it from his teacher Antiochus, was no an original system but a modification of the tenets of th old Academy. As he has expressed it in the *Academica*

A passage from the *Academica*.

You have, said I, O Varro, explained the principles both o the Old Academy and of the Stoics with brevity, but also wit great clearness. But I think it to be true, as Antiochus, a grea friend of mine, used to assert, that it is to be considered rathe as a corrected edition of the Old Academy, than any new sect . . . . Still let the school whose principles I have explained, b called the Old Academy, and this other the New; which, havin continued to the time of Carneades, who was the fourth in suc cession after Arcesilaus, continued in the same principles an

[29] *De Fin.*, v, 1.

[30] "Eadem dicit quae Stoici." — *Lucl.*, ii, 22. "Erat, si perpauca mutas visset, germanissimus Stoicus." — Ibid., 42, 132. See also J. S. Reid, *Academica of Cicero*, Introd., pp. 18–19, and notes to *Acad.*, 19, 123, and 45 126. Arnold, p. 110.

[31] Sextus Empiricus, *Pyrrhonae Hypotuposeis*, i, 215; Sibler, p. 56.

em as Arcesilaus. . . . . I wish to follow the Stoics. Will iochus (I do not say Aristotle, a man almost, in my opinion, ivalled as a philosopher, but will Antiochus) give me leave? l he was called an Academic; but he would have been, with r little alteration, something very like a Stoic. The matter l now be brought to a decision. For we must either give the e man to the Stoics or to the Old Academy. He can not ng to both; for the contention between them is not one about ndaries, but about the whole territory. For the whole system ife depends on the definition of the chief good; and those who er on that point, differ about the whole system of life. It is ible, therefore, that those of both these schools should be wise, e they differ so much from one another; but one of them r can be so. If it be the disciple of Polemo, then the Stoic is ng, who assents to an error: and you say nothing is so incom- ble with the character of a wise man as that. But if the ciples of Zeno be true, then we must say the same of the Old demy and of the Peripatetics; and as I do not know which ne more wise of the two, I give assent to neither.[32]

In the light of such and other similar declarations made Cicero, who was taught both by Philo and Antiochus, s very tempting to fall into the error of believing that was really dominated by that mild skepticism, that cticism composed of an almost equal sympathy with to and Zeno, which manifests itself so often in his rks. Speaking as an Academician he says:

Cicero the advocate an eclectic.

My words do not proclaim the truth, like a Pythian priestess; I conjecture what is probable, like a plain man; and where, I am I to search for anything more than verisimilitude? . . . . The characteristic of the Academy is never to interpose one's gment, to approve what seems most probable, to compare ther different opinions, to see what may be advanced on either , and to leave one's listeners free to judge without pretending logmatize.

[32] *Acad.*, i, 12; ii, 43.

There spoke the pleader, the advocate, the man of p laestric genius in the forensic arena, often striving to ma the worst appear the better cause. In that capac Cicero may justly be called an eclectic, a selector, chooser from all the arsenals of thought of those int lectual weapons that best served his purpose on a pa ticular occasion. It is no doubt true that Antiochus w really an eclectic; but, only with the qualification ju stated, can it be said that "the school to which Cice finally attached himself was that founded by Antiochus Ascalon (c. 125–50 B. C.)." The just and critical autho ity who makes that assertion is careful to state at t same time that—

Antiochus an eclectic.

. . . . his most systematic expositions of Stoic doctrine are as f lows: In the *Academica* a general view of Zeno's teaching given by M. Varro (i, 10, 35 to ii, 42), and the Stoic logic, accepted by Antiochus, is defended by L. Licinius Lucullus (ii, 1 to 19, 63). In the *De Natura Deorum* (bk. ii) the St physics is explained by Q. Lucilius Balbus; in the *De Finib* (bk. iii) the Stoic ethics by M. Portius Cato, as the m distinguished Roman who has adopted them as a standa of life. In the *De Officiis* Cicero adopts the form of a lett addressed to his son when studying at Athens, and avowed adapts the substance of the work of Panaetius already mention supplementing it from a memorandum of the teaching of Po donius which was specially prepared for him by Athenodor Calvus; this book deals with ethics mainly in its practical app cations. In many of his other works, such as *De Amicit De Senectute, Tusculan Disputations, De Fato, De Divinatio* and *Paradoxa,* Cicero makes use of Stoic material without givi professedly an exposition of the Stoic system.[33]

That is only a too guarded statement of the whc truth to be maintained herein, which is that as Cice grew older, as he ceased to be a mere advocate and l

[33] Arnold, p. 109.

ne a philosopher and statesman mastered and over-
ne with the idea of regenerating the social and polit-
l fabric of a falling Republic through Stoic morality,
d the Stoic conception of a life beyond the grave with
Lord and Father who ruled through law — he became,
hout a formal announcement of the fact, as thoroughly
ic, in all he wrote in his later years, as ever Chrysip-
s or Cato had been. When the time came to attempt
reform of a luxurious and corrupt society by such
peals as were embodied in the *De Legibus*, the *De*
ficiis, and *De Finibus*, it was useless to trifle with the
bbling skepticism of the new Academy which declared
r on all forms of positive conviction. In opening the
rk first named Cicero says:

Cicero the philosopher a Stoic

Without a formal announcement of the fact.

Passages from the *De Legibus*.

> My treatise throughout aims at the strengthening of the foun-
> ion of commonwealths and the advancement of the welfare
> peoples. I dread therefore to lay down any but well-consid-
> d and carefully examined principles; I do not say principles
> ich are universally received, for none are such, but principles
> eived by those philosophers (evidently Stoics) who consider
> ue to be desirable for its own sake, and nothing whatever to
> good, or at least a great good, which is not in its own nature
> iseworthy.

And then, with the arguments of Carneades against
tice apparently in his mind, he says:

> As to the Academy, which puts the whole subject into utter
> fusion, I mean the new Academy of Arcesilaus and Carneades,
> us persuade it to hold its peace. For, should it make an inroad
> n the views which we consider we have so skillfully put into
> e, it will make an extreme havoc of them. The Academy I
> not conciliate, and I dare not ignore.[34]

The fact that, for tactful reasons of his own, Cicero
not deem it wise to make any more formal statement

[34] *De Leg.*, i, 13.

that he was, in his later years, Stoic to the core as to a questions affecting politics, morals, and theology, shou not for a moment mislead the critical who have only turn to the great works published toward the close of h life in order to find the Stoic tenets on those subjec blazoned on every page. Professor Sihler, in reviewi the essay on old age, makes the proper statement mild when he says:

Professor Sihler's statement.

> The author was then in his sixty-third year and the financ and Philhellene in his sixty-sixth. . . . . One can readily see th the exordium was written last. *The deeper substratum of Cicer spiritual affinity, by this time, was really Stoicism.* Nature defi our ideals and noblest motives.[35]

Cicero's mind finally enveloped by Stoicism.

It is impossible to grasp the real significance of Cicero intellectual life as a connecting link between the ancie and modern world without a clear understanding of t fact that the deeper substratum of his spiritual affinit which finally enveloped his mind and soul, was Rom Stoicism in its purest and most scientific form. In t analyses of his works hereafter to be made there will a persistent effort to explain how it was that whenev in his later years, he spoke seriously as a jurist, stat man, moralist, or theologian, it was to emphasize wi all the force of his ardent nature some one of the gre principles involved in the Stoic cosmopolis or world-sta ruled by a single God as the source of permanent, u form, and universal law. When he was called upon define for the first time the real nature of the *jus gentiu* after it had been robed in the Stoic invention called t law of nature, he said:

> It is not to be one law for Rome, another law for Athens, law today, another law tomorrow, but one eternal and immuta

[35] Sihler, p. 408.

for all nations and for all ages, as God the common master ruler of all — the author, the interpreter, the enactor, of the — is one.[36]

The voice of Chrysippus.

There we hear with a distinctness not to be mistaken voice of Chrysippus describing the universal or nat- l law of the Stoic world-state, "which is right reason ving through all things, identical with Zeus, the reme administrator of the universe." When we pass m book iii of the *De Republica,* containing the fore- ng definition of the *jus gentium,* to book vi, contain-

Scipio's dream.

Scipio's dream, we find Cicero, upon the eve of the idly approaching crisis, striving to create a higher ception of the duties of Roman citizenship by the urance that pious, patriotic, and philanthropic states- n will be rewarded not only on earth by the approval heir consciences and the applause of all good citizens, by immortal glory in new forms of being in a higher beyond the grave. That method of appeal was sug- ted no doubt by the story, told at the end of Plato's

Vision of Er.

ublic, of Er the Pamphylian, who, after a twelve s' trance, caused by a wound received in battle, re- ned to life; and, in revealing the secrets of the shades ow, told of heavenly bliss and hellish punishments, the judgment seat, and of the renewal of life and new choice given to souls not yet purified wholly in. The final revelation is: "God is blameless; man's l is immortal: justice and truth are the only things rnally good."[37]

In order, however, to obtain a complete and compre- sive view of Plato's resplendent doctrines as to the ortality of the soul, involving the idea of a con-

[36] *De Repub.,* iii, 22. A fragment preserved by Lactantius.
[37] See J. Marshall, *Short History of Greek Philosophy,* p. 150.

scious personal existence in a life beyond the grave, it necessary to consider the vision of Er, the *Phaedo* a the *Phaedrus* as a connected whole.[38] In order to obt a complete and comprehensive view of Cicero's conc tions on the same subject, it is necessary to consi Scipio's dream, not in isolation, but in connection w declarations contained in later works, notably the *Tus lanae Disputationes,* the *De Senectute* and the *De Natu Deorum.*

Neither dream nor vision to be considered in isolation.

Between the speculations of Plato, made, let us s about 370 B.C., and those of Cicero, made between B.C. and 44 B.C., there was an interval of something mo than three hundred years. During that interval it w that the new world-religion known as Stoicism came up the stage, reaching its maturity under Chrysippus w died about 208 B.C. By Panaetius it was carried to Ro and there became firmly rooted between 140 B.C. a 129 B.C., the date of the death of Scipio the younger. A so before the time came for Cicero to formulate in phi sophical and theological treatises the new thought Rome upon the question of questions involving the i mortality of the soul and a higher life beyond the gra Stoicism had practically annihilated Pantheism, so as its followers were concerned, by the recognition one supreme God, "the supreme Reason, the Logos Word, whose divine being permeated the universe . . a first Cause, a Cause of causes, the initial link in t unending chain of events."[39] By that magnificent noti of one supreme God, creating and governing everythi through permanent, uniform, and universal law, t swarm of little gods was practically annihilated by bei

One supreme God.

[38] Cf. H. N. Fowler, *Plato: Euthyphro, Apology, Crito, Phaedo, Ph drus,* in "The Loeb Classical Library."

[39] Arnold, pp. 218–19.

uced to mere personifications of physical forces. Little gods as personifications of physical forces.
ned with that new Stoic conception of a single God,
with that logic in which the Stoics were such adepts,
ero was able to re-define the immortality of the soul,
a conscious personal existence after death, in a civic
ven if you please, with a distinctness and convincing
er which a dreaming philosopher like Plato, not so
ed, had never been able to impart to such thoughts.
The Roman philosopher did not hesitate to say to his Cicero's definitions of immortality.
ow-man, You were born, not by chance, but in obe-
ce to the law of the "Lord and Father," who will
only care for you while you are here, but will pro-
for you an eternal haven of rest and glory after
th. In one place he says:

Whatever that principle is which feels, conceives, lives, and
s, it is heavenly and divine, and therefore must be eternal;[40]

n another:

t divine principle, that rules within us, forbids us to leave this
d without the order of the Divinity;[41]

n another:

divine soul is drawn down from its lofty home, and, so to say,
ged into the earth, an abode which is by nature the antithesis
ivinity and eternity;[42]

n another:

refore for many other reasons, the souls of the good appear
ne to be divine and eternal; but chiefly on this account, be-
e the soul of the best and wisest has such anticipation of a
re state of being, that it seems to center its thoughts only on
nity;[43]

n another:

ssured that for all those who have in any way conduced to the

[40] *Tusc. Disp.*, i, 27.
[41] *Som. Scip.*, 3.
[42] *De Senec.*, xxi.
[43] *Pro Rabirio*, x.

preservation, defense, and enlargement of their native count there is certainly a place in heaven where the blessed shall en eternal life.[44]

In another:

If I am in error in believing that the soul of man is immortal err willingly; nor have I any desire, while life lasts, to eradic the error in which I take delight. But if, after death (as so small philosophers think), I shall feel nothing, I have no fear t those departed philosophers will ridicule my error;[45]

In another:

To separate the soul from the body, is to learn to die, and nothi else whatever. Wherefore take my advice; and let us meditate this, and separate ourselves as far as possible from the body, that to say, let us accustom ourselves to die. This will be enjoying life like that of heaven even while we remain on earth; and wh we are carried thither and released from these bonds, our souls w make their progress with more rapidity; for the spirit which h always been fettered by the bonds of the body, even when it disengaged, advances more slowly, just as those do who have wo fetters for many years;[46]

In another:

For we have not been framed or created, without design nor chance, but there has been truly some certain power, which had view the happiness of mankind; neither producing, nor maintai ing a being, which, when it had completed all its labors, shou then sink into the eternal misery of death. Rather let us thi that there is a haven and refuge prepared for us.[47]

Advanced beyond Plato by the aid of Stoicism.

These lucid and enraptured statements mark the di tinct spiritual advance made during the three centuri that intervene between Plato and Cicero, through t application by the latter to the question of questions that body of thought known as Stoicism which matur after Plato's time. The Roman philosopher's oversha

[44] *Som. Scip.*, 3.
[45] *De Senec.*, xxxiii.
[46] *Tusc. Disp.*, i, 31.
[47] *Ibid.*, i, 47.

ving influence in the making of that advance represents e most important outcome of his Greek culture. Forty- ree years before Christ came into the world Cicero ssed out of it, after having formulated, as the foremost pounder of Roman Stoicism, clear and definite con- ptions of immortality to which the vague and shadowy eams of Plato were "as moonlight is to sunlight, as ıter unto wine." It is not therefore strange that the rly Christian Fathers, notably St. Ambrose, St. Jerome d St. Augustine, should have been such ardent Cicero- ans. Animated by their spirit Petrarch says: "You ould fancy sometimes it was not a pagan philosopher, t a Christian apostle, who was speaking."

Early Christian Fathers and Petrarch.

During the year 79 B.C., six months of which Cicero voted to the study of philosophy at Athens under the rection of Antiochus of Askalon, he also received rhe- rical instruction from the famous and experienced acher, Demetrius of Syria. It seems to be clear that hile at Athens he, together with his friend Atticus, was itiated into the mysteries of Eleusis.[48] In the next year crossed the Aegean for travel in Asia. We have in s own words this brief account of his tour abroad, its ptive, and its results:

From Athens to Asia.

[48] In his dissertation *On the Laws,* ii, 9, he says: "Let there be no cturnal sacrifices performed by women, except those which they offer cording to custom on behalf of the people; and let none be initiated in mysteries except by the usual forms consecrated to Ceres, according the Grecian ceremonials." Mr. Collins in his volume on *Cicero,* in ncient Classics for English Readers," says that the Eleusinian mysteries ntained under this thin veil whatever faith in the Invisible and Eternal ted in the mind of an enlightened pagan." See *De Leg.,* ii, 14, where cero says: "Of all the glories and divine gifts which your Athens has oduced for the improvement of men, nothing surpasses these mysteries which the harshness of our uncivilized life has been softened, and we ve been lifted up to humanity; and as they are called *initia,* by which irants were initiated, so we have in truth found in them the seeds of a v life. Nor have we received from them only the means of living with isfaction, but also of dying with a better hope as to the future."

Description of his tour.

When my friends, therefore, and physicians, advised me t engage no more in forensic causes, I resolved to run any ris rather than quit the hopes of glory which I had proposed t myself from pleading. When I considered that, by managin my voice, and changing my way of speaking, I might both avoi all future danger of that kind and speak with greater ease, resolved to travel in Asia, merely for an opportunity to correc my manner of speaking. So that after I had been two years a the bar and acquired some reputation in the Forum, I left Rom

Antiochus and Demetrius.

When I came to Athens, I spent six months with Antiochu the principal and most judicious philosopher of the Old Academy and under that able master, I renewed those philosophical studie which I had laboriously cultivated and improved from my earlie youth. At the same time, however, I continued my rhetorica exercises under Demetrius the Syrian, an experienced and reputabl master of the art of speaking.

After leaving Athens, I traversed every part of Asia, whe I was voluntarily attended by the principal orators of the countr with whom I renewed my rhetorical exercises. The chief of the

Asiatic rhetoricians.

was Menippus of Stratonika, the most eloquent of all the Asiatics and if to be neither tedious nor impertinent is the characteristi of an Attic orator, he may be justly ranked in that class. Diony sius of Magnesia, Aeschylus of Cnidos, and Xenocles of Adra myttium, who were esteemed the first rhetoricians of Asia, we continually with me. Not contented with these, I went to Rhode

Molo of Rhodes.

and applied myself again to Molo, whom I had heard before a Rome, and who was both an experienced pleader and a fin writer, and particularly judicious in remarking the faults of hi scholars, as well as in his method of teaching and improving them His principal trouble with me was to restrain the luxuriance of a youthful imagination, always ready to overflow its banks within its due and proper channel.

Thus, after an excursion of two years, I returned to Italy not only much improved, but almost changed into a new man The vehemence of my voice and action was considerably abated the excessive ardor of my language was corrected; my lungs wer strengthened; and my whole constitution confirmed and settled.[49]

[49] *Brut.*, 91.

Posidonius.

Cicero's reference to his visit to Rhodes suggests the
me of the famous Stoic philosopher Posidonius, a pupil
Panaetius, who, next to his master, did more perhaps
n any other to spread Stoicism throughout the Roman
rld. After he had settled down as a teacher at
odes,[50] attracting thither many students, he became
ll known to many leading Romans, such as Marius,
tilius Rufus, Pompey, and Cicero. From Rhodes he
ne to Rome on a mission in 86 B.C. not long before the
ath of Marius. That he made a profound impression
on the rising statesman there can be no doubt. When
cero wrote his Greek memoir on his consulate (*περὶ*
τείας) he sent it to Posidonius who was to compose a
ore formal and finished work on that basis. In a letter
Atticus he says:

Greek memoir on Cicero's consulate.

> I sent my memoir to Posidonius, that he might use it as a
> ndation of a more eloquent treatise on the same subject; but
> writes back to me from Rhodes that, when he read my book,
> from being encouraged to write, he felt himself fairly warned
> the ground. Now you see! I have discomfited the whole tribe
> Greeks, and so the lot of them, who used to press me for
> terial which they might work up, have ceased to bother me.[51]

Cicero seems to have made use of the writing of Posi-
nius in *De Natura Deorum,* ii; *De Divinatione,* i; and
the first half of the *Tusculanae Disputationes.*[52] The
ory goes that on his return from Rhodes to Italy he
pped at Delphi where he is said to have asked "how
might become very famous." We may fancy that the
ret was revealed to him, despite his incredulity as to
e divination emanating from that source.[53]

Visit to Delphi.

[50] He is often described as "of Rhodes," although he came from
amea in Syria.
[51] *Ad Att.,* ii, 1.
[52] Cf. Schmekel, *Die Phil. der mitt. Stoa,* 1892, p. 98, etc.
[53] Cf. *De Div.,* ii, 32.

CHAPTER IV

THE ROMAN BAR IN CICERO'S TIME

HAVING traced the growth of Cicero's Greek cultur from his youthful beginnings under the poet Archia down to his return from his first tour abroad, let us g

At the age of sixteen Cicero assumed the *toga virilis.*

back to the year 91 B.C., when, in his sixteenth year, h was brought, according to custom, before the praetor i the Forum, in order that he might there lay aside hi boyish dress, *toga praetexta,* for the *toga virilis,* th badge of incipient manhood, the token of his introduc tion into public life. While we do not know whethe his father was present on that solemn occasion, Cicer tells us expressly that immediately thereafter he pre sented him to one of the most famous jurists of that time the venerable Quintus Mucius Scaevola, known as th augur, who had been consul as early as 117 B.C.:

Presented by his father to Scaevola, the augur.

> My father, immediately after I had put on the dress of man hood, introduced me to him, instructing me that, so far as I foun it possible and was permitted to do so, I should remain continu ally at his side. And so I committed to memory many of his wis discourses and pithy sayings, and strove to learn from his wisdom.[1]

Like all who aspired to the great offices of state Scaevola had sought popularity by undertaking gratui tously the advocacy of causes in the courts of justice, an by giving gratuitous advice on points of law to all wh desired it. To that was added gratuitous law teaching the family of the Mucii having been famous for exper

Family of the Mucii and gratuitous law teaching.

[1] *De Amicit.,* i.

knowledge in the civil law for several generations. Apart from pleading in the courts, a Roman jurist was expected to occupy himself with consultations, reading, and authorship. Thus the house of every jurisconsult was always open not only to suitors but to students, who came to listen to the *responsa prudentium* or legal opinions, generally delivered in the form of familiar conversations.[2] It was the business of the student to take notes of all such deliverances of the master, and to commit his sayings or maxims to memory, following him to the Rostra when he addressed the people, and to the courts when he pleaded as an advocate. Under such a system of instruction, widely different from our own, Cicero, together with his friend Atticus, was admitted into the atrium of Scaevola who, at daybreak, held conferences with his consulting clients, which all were at liberty to attend. In the *De Oratore* (i, 45) we read:

The open house of the jurisconsult.

Duties of a law student.

> For what is more noble than for an old man, who has held the highest honors and offices in the state, to be able justly to say for himself that which the Pythian Apollo says in Ennius: that he is the person from whom, if not nations and kings, yet all his fellow-citizens, solicit advice —
>
> Uncertain how to act; whom by my aid,
> I send away undoubting, full of counsel,
> No more with rashness things perplex'd to sway —
>
> For without doubt the house of an eminent lawyer is the oracle of the whole state. Of this fact the gate and vestibule of our friend Quintus Mucius is a proof. Even in his very infirm state of health and advanced age, it is daily frequented by a vast crowd of citizens, and by persons of the highest rank and consequence.

Tribute to Quintus Mucius in the *De Oratore*.

There had been a time when the *Twelve Tables* were taught every schoolboy, who was compelled to learn

[2] See the author's *Science of Jurisprudence*, p. 91.

Twelve Tables superseded by the edict in law teaching.

them as a necessary lesson or "song." But certain before the close of Cicero's life, the edict, the "livi voice of the civil law," [3] had taken the place of the "so of the *Twelve Tables*" in the education of the youth Rome.[4]

Scaevola the pontifex maximus.

After the death of his first instructor in the civil la who was a leader among the Stoics, Cicero attached hi self to another of that sect, Quintus Mucius Scaevol the younger, a nephew of the augur. The new teache who was pontifex maximus, occupies a much more co spicuous place in the history of Roman law than the o one as he was the only jurist of the Republic from who works the makers of the *Digest* drew any direct extrac

Father of Roman law because its first codifier.

He has been called the father of Roman law because was the first to codify it in eighteen volumes.[6] He al wrote a book on definitions, reflecting no doubt the terest felt by the Stoics in that part of logic. He w consul in 95 B.C., and after his consulship he was a pointed governor of Asia, joining in that capacity wi his former quaestor, Rutilius Rufus, in an attempt

Declared dishonorable contracts invalid.

repress the extortions of the *publicani*. He took decisive step in declaring all dishonorable contra invalid.[7] When the *equites* brought Rutilius to trial 92 B.C., Scaevola defended him with the simple dign

[3] Marcian in *Dig.*, i, 1, 8: "nam et ipsum jus honorarium viva vox juris civilis."

[4] "Non ergo a praetoris edicto, ut plerique nunc, neque a XII Tabulis, superiores . . . . hauriendam juris disciplinam putas." — *De Leg.*, i, See also *De Leg.*, ii, 23: "discebamus enim pueri xii, ut carmen neces rium: quas jam nemo discit." Cf. A. H. J. Greenidge, *Roman Public L* p. 205, notes 2 and 3.

[5] H. J. Roby, *Introduction to the Study of Justinian's Digest*, etc., p. cxx Cambridge, 1884.

[6] Pomponius, l. c., §41.

[7] "Ego habeo [exceptionem] tectiorem ex. Q. Mucii, P. F. edicto Asiati *extra quam si ita negotium gestum est, ut eo stari non oporteat ex fide bo* multaque sum secutus Scaevolae." — *Ad Att.*, vi, 1. See Arnold, p. 384.

of a Stoic, without disregarding entirely the graces of elegance.[8]

In making his famous codification of Roman law the pontifex departed from the traditional method of merely interpreting the words of the statutes or formulas relating to procedure or juristic acts. Instead, he arranged, for the first time, the positive law of Rome according to the subject dealt with, thus laying a permanent foundation for the labors of his successor. Rising above the mere discussion of isolated cases or questions of law, he began the development of legal science by defining in clear and definite terms the nature of such legal institutions as wills, legacies, guardianships, sales, hiring, and the like, and their various genera.

His contribution to legal science.

Through the definition and employment of general legal conceptions he was the first to lift Roman private law above all the complexities of detail.[9] Thus as the Republican period drew to a close, the responses of the pontifices, by which the development of law had mainly been carried on during the earlier part of it, began to assume a form which must have been fatal to their further expansion. By such treatises as that of Scaevola they were systematized and reduced to compendia. In the writings of Cicero can be traced a growing dislike for the older methods as compared with the more active instruments of legal innovation. By this time the edict, or annual proclamation of the praetor had gained credit as the principal engine of law reform. Therefore Cicero tells us, as before stated, that certainly in his later years,

Edict of the praetor an engine of legal reform.

[8] "Dixit causam illam quadam ex parte Q. Mucius, more suo, nullo adparatu, pure et dilucide." — *De Orat.*, i, 53.

[9] As to Scaevola's work, see von P. Krüger, *Geschichte der Quellen und Litteratur des Römischen Rechts,* Berlin, 1888, pp. 59, 60; Burckhardt, *Zeitschrift der Savigny Stiftung für Rechtsgeschichte,* herausg. von Bruns, Sekker, u. Roth. Weimar, 1880, and subsequently, ix, 286ff.

the *Twelve Tables* were neglected by the boys in schoo who were directed instead to the praetor's edict for thei first lessons in law.[10]

Cicero's resolve to win senatorial dignity.

In removing to the city, Cicero's father, a man o culture and some fortune, whose ambition was centere entirely in his sons, hoped, no doubt, that they woul thus be enabled to enter politics, and, in that way, estab lish senatorial families. At the age of 52, Marcus, i a letter to Quintus, said:

> It cuts me to the heart, my dearest brother, to the heart, t think that there is no Republic, no law courts, and that m present life, which ought to have been in full bloom of sena torial dignity, is distracted with the labors of the Forum or eke out by private studies, and that the object on which from boy hood I had set my heart,
>
> "Far to excel, and tower above the crowd,"
>
> is entirely gone.[11]

Roman bar as a stepping-stone.

To win senatorial dignity was Cicero's dominatin ambition from his boyhood, and to that eminence ther was but one road open to him — the Roman bar which in the better days of the Republic, was looked upon a

[10] Servius Sulpicius, a contemporary of Cicero, born about 106 B.C., i said to have been the greatest jurist of the Republican period. See *Brut* xl–xlii. As to his works, see Pompon., l. c., 43, 44. His pupil was Aulu Ofilius, often called the Tribonian of the Republican period, who is sup posed to have been consulted by Julius Caesar as to his great but unrealize plan for a codification of Roman law. On that subject, see Sanio, *Recht historische Adhandlungen u. Studien* (Königsberg, 1845), pp. 68–12 Gibbon says: "The jurisprudence which had been grossly adapted to th wants of the first Romans was polished and improved in the seventh cen tury of the city by the alliance of Grecian philosophy. The Scaevolas ha been taught by use and experience; but Servius Sulpicius was the firs civilian who established his art on a certain and general theory. For th discernment of truth and falsehood, he applied, as an infallible rule, th logic of Aristotle and the Stoics, reduced particular cases to general prin ciples, and diffused over the shapeless mass the light of order an eloquence." — *Decline and Fall,* vol. iv, p. 457.

[11] Cicero, *Ad Quintum Fratrem,* iii, 5–6. The quotation is from Home *Iliad,* vi, 208:

πολλὸν ἀριστεύειν καὶ ὑπείροχον ἔμμεναι ἄλλων.

a stepping stone, an initiation into the great offices of state through which a seat in the Senate could be secured. To be a leader of the Roman bar at the time in question was to be a great actor on the brilliantly lighted stage set in the midst of a Forum whose history is a part of the history of the world.

In the time of the Republic, Rome had but one Forum which, when viewed in a comprehensive way, was an open-air theatre in which was enacted in the presence of the assembled people the great events in her political and juristic life. That *Forum Romanum* or *Magnum*, as it was afterward called to distinguish it from the imperial *fora*, occupied a valley which extended from the foot of the Capitoline Hill to the northeast part of the Palatine, and in early times it was bounded on two sides by rows of shops and houses, dating from the era of the first Tarquin. As the city grew, the Forum was developed into a vast quadrilateral, inclosed by a kind of open porticoes or promenades, created by the erection of double rows of columns, so separated as to admit of easy circulation, and supporting at the same time architraves, on which galleries were constructed.

The *Forum Romanum* or *Magnum*.

In the great days of Hortensius and Cicero, discussions in the Forum were a kind of fête, attended by all classes of citizens and strangers, constituting a crowd so vast as to overflow its limits into the surrounding temples of Saturn of Vesta of Castor and Pollux and of Peace or Concordia, extending at times even to the galleries of private residences.[12]

Forensic discussions a kind of fête.

[12] For all details connected with this branch of the subject, I refer to the brilliant and invaluable work, *Le Barreau Romain*, by Grellet-Dumazeau, 2d ed., Paris, 1858, especially to i, *Origine du Barreau Romain*, p. 35; v, *Costume de l'avocat*, p. 107; vi, *Des honoraires*, p. 113; x, *L'avocat à l'audience*, p. 156; xi, *Durée des plaidoiries et comment étaient recuellies*, p. 184.

All men of all ranks are present, and of all ages; the Forum i full, the temples around the Forum are full, all the approaches t this place and to this temple are full.[13]

While there was a structure known as the Middl Forum *(Forum Medium)*, so conveniently situated tha it could be used in the event of storms, the people accus tomed to the brilliant climate of Italy, preferred that th debates, certainly in the great criminal trials, should tak place in the open court of the Forum, *"sub Jove frigido aut torrido."*

Forum a great popular university.

Here then was the great popular university of Rom in which the citizens acquired the most practical part of their political and juristic education; here it was that the best orators displayed the fruits of long and patient training under Greek and Oriental rhetoricians; here it was that the *populus Romanus*, accustomed to oratory of the highest order, became almost as critical as the patrician Senate.

Advocate, robed in his toga, attended by a jurisconsult and secretary.

Into the Forum the advocate, in English parlance the barrister, went robed in his toga, attended generally by a jurisconsult, a secretary, and his numerous clients. In that day as in this, few distinguished orators were willing to assume the responsibility of a great cause unassisted by a jurisconsult or legal adviser, charged with the duty of examining the facts and the law applicable to them, and of making suggestions as to the best manner of presenting the various points involved. The tribunal consisted of the stage upon which the curule chair[14] of the praetor was placed in front of a spear and

Curule chair of the praetor.

[13] *In Catilinam*, iv, 7.

[14] Being made of wood, these tribunals could be removed when the entire area of the Forum was required for gladiatorial or other purposes —*Pro Sestio*, 15; *Pro Cluentio*, 34; *In Pisone*, 5; Hor., *Sat.*, ii, 6, 35; Asconius, *Ad Cic. Niel. Arg.*, p. 34. The trial had to begin after daybreak

CAPITOL, FORUM, AND PALATINE. Restoration by Prof. E. Becchetti.

ord, as emblems of authority. If the trial was a minal one, then the praetor was assisted by *judices,* lges, taken from an annual list and drawn by lot *ortitio).*

The judices in criminal cases.

As will be explained hereafter, the classes from which e *judices* were taken varied, as did also their number. the famous case of Clodius the number was fifty-six. fter the *judices* were selected, subject to certain chal- ges, and sworn, they took their seats arranged in a micircle below that of the praetor.[15] To the left of e *judices* and a few steps distant from them sat the cused. The accuser sat on the opposite side, Roman v knowing no such thing as an official prosecutor.[16] ne advocate, his secretaries,[17] and jurisconsult took eir places at the bar, near the accused. The accuser ened and the advocate for the defense closed, it ing the better opinion that there was no reply.[18] It is therefore important to every advocate that the aetor, who formulated the question for discussion, ould so present it as to give to his client the conclu- on.

No official prosecutor.

After the introduction of Greek methods, the orations re rigorously divided into parts, each oration consist- g of the exordium, narration, confirmation, refutation, d peroration. At the moment of the delivery of the

Formal divisions of an oration.

l end an hour before sunset. The place of trial was the Forum — rum plenum judicorum." *In Verr.,* v, 55, 143. See also the *lex Acilia,* 37, 38, 65, 66.

[15] As to the growth of Roman criminal law and the *quaestiones per- uae,* see the author's *Science of Jurisprudence,* pp. 591–92; Maine, v.

[16] *Pro Caecin,* xxix and lix; Quintil., vi, 1. As to the method of his ection by the court, see the preliminary procedure in the case of Verres, 140.

[17] Cicero, *In Verrem,* ii, 10.

[18] Grellet-Dumazeau, p. 165.

last, the advocate was expected to put forth his ent strength, supplemented by every artifice calculated excite the sympathy of the court. One would hold child in his arms as he walked around the tribunal; a other would uncover the infected wounds of his clien while still another, pleading for a young girl wh the opposing party refused to recognize as his sist carried his client to the brother's seat and there thr her into his arms. On one occasion an advoc pleading for a widow had placed behind him a p trait of the deceased husband, feeble and deform from which his agents were told to lift the veil whene by a cast of his eyes he indicated that his peroration h begun.

Artifices to excite sympathy.

A notable performance of that kind occurred at t trial of Manius Aquilius, an old consul accused of tortion. Just as he was about to be condemned his ad cate, after forcing him to rise from his seat, tore open tunic and thus revealed many scars of wounds receiv in defense of the Republic. Judges and advocates w moved to tears, and the accused acquitted.[19] By t same kind of an artifice Galba succeeded in escaping menacing accusation. At the critical moment his c dren were brought before the tribunal, where he declar solemnly that before leaving them he desired to confi them to the care of the Roman people.

Trials of Aquilius and Galba.

When the pleading was over the clients and frier of the advocate would press around him with congra lations.[20] If the public had been moved he was salut with acclamations. Even while the oration was be delivered, applause was sometimes indulged in. W know that such was the custom in the time of Cic

Congratulations and applause of advocate.

[19] *De Orat.*, ii, 47. [20] Quintil., xii, 10.

ecause Quintilian says that the orator, during his leading for Cornelius Balbus, was applauded by his auditors, *velut mente captos et quo essent in loco gnaros.*[21]

Most people will be surprised to learn that the proceedings of Roman tribunals were taken down by an organized body of reporters known as *notarii, actuarii, scribae, exceptores, amanuenses,* some of whom were stenographic reporters.[22] Quintilian (xi, 2) says: *Habeamus enim sane ut qui notis scribunt, certas imagines.* Such of these scribes as were clothed in an official character, and some who were not, took down the statements of parties, the depositions of witnesses, and made stenographic reports of the speeches. To the great skill of such scribes Martial pays this tribute: *Currant verba licet, manus est velocior illis.* According to Plutarch such stenographic reports were first made during the consulship of Cicero, who says that the speech for Messala by his great friend and contemporary, Hortensius, was taken down on the spot, word for word.[23] Copies of addresses so reported were often sent to the provinces by the younger members of the bar.

Stenographic reporters.

Such reports first made during Cicero's consulship.

It is not therefore strange that they should have been carefully prepared beforehand by the advocates, most of whom spoke from notes, many writing out the more important parts of the discourse in full. Cicero scarcely ever failed to make such preparation, following it, after the close, with a careful revision that excluded all care-

[21] viii, 5; Pliny, *Epistolae,* ii, 14; vii, 6; Martial, *Epigrammata,* ii, 46.

[22] "Il existait près les tribunaux des teneurs de notes ou greffiers chargés de coustater les dires des parties et les déclarations de temoins (5); ils étaient organisés et formaient une corporation." — *Le Barreau Romain,* p. 96.

[23] *Brut.,* 96.

lessness of expressions and inelegancies of style. Not

His carefully revised speech for Milo.

bly in the case of Milo the revised version of his speec as published by him was so much more eloquent tha the stenographic report, which came to the hands c Asconius and Quintilian, that the exiled Milo, when h saw it at Marseilles, exclaimed: "O Cicero! if you ha only spoken as you have written, I would not now b eating the very excellent fish of Marseilles."[24] As wi be explained hereafter the five famous orations again Verres were never spoken at all. They were publishe afterward as they had been prepared, and as they wou have been spoken if Verres had made a regular defens There can be no question that Cicero's published speech exercised an immense influence on public opinion.

When we consider the extent of their possessions ar the luxurious splendor of their lives, it is certain th the professional incomes of Cicero and Hortensius mu have been enormous. An account will hereafter be give

Villas of Hortensius and Cicero.

of the great mansion purchased by Cicero on the Pal tine, built by the Roman millionaire Crassus, and the procession of villas, extending from the north to th south, and situated near the towns of Tusculum, Antiur Asturia, Sinuessa, Arpinum, Formiae, Cumae, Puteo and Pompeii — the first and favorite one having be bought with borrowed money.

And yet despite such an array of town and count houses, Cicero seems to have been surpassed in extrav gance by his senior Hortensius. One of his many vill was also situated near Tusculum in which he had acc mulated a gallery of costly pictures. It is said that h even watered some of his plants with wine. In h Laurentian villa famous for its magnificent park, h

[24] Cassius Dion, xl, 54.

llected at great cost, a vast variety of animals. But all his villas that of Pauli near Baiae, the fashionable ıtering place frequented by the Roman aristocracy, was e most famous by reason of its immense reservoirs for e preservation and culture of fish, in whose care a rge number of fishermen were employed.[25]

Hortensius as an epicure and arbiter of fashion.

As an epicure and arbiter of fashion in matters of xury and taste Hortensius, who was the first among e Romans to serve peacocks on his table, was at the ad of the list. While his house on the Palatine was t so pretentious as some of his villas, it was found to good enough to serve as a residence for Augustus.[26] order to maintain such almost oriental magnificence was necessary for Hortensius and Cicero to derive ormous compensation from their professional services, her in the form of presents or legacies, despite the ally innocuous *Lex Cincia, de donis et muneribus,* also led *Lex muneralis,* designed to make such services tuitous. And here it may not be amiss to reproduce ero's own estimate of himself as compared with Cotta d Hortensius. In the *Brutus* he says:

Enormous compensation despite the *Lex Cincia.*

Cicero's estimate of Cotta and Hortensius.

Two orators then reigned in the Forum (I mean Cotta and rtensius), whose glory fired my ambition. Cotta's way of aking was calm and easy and distinguished by the flowing ance and propriety of his language. The other was splendid, m, and animated; not so much as you, my Brutus, have seen , when he had shed the blossom of his eloquence, but far more y and pathetic both in his style and action. As Hortensius,

Valerius Maximus, *Factorum et Dictorum Memorabilium Libri,* ix, . Varro, *Re Rustica,* iii, 81, 17; Pliny, *Historia Naturalis,* ix, 55; onius, *Augustus,* 72; *Brut.,* 88 *sqq.*

Not until after his victory at Actium did Augustus build the Imperial e, having purchased for that purpose several neighboring houses, ng them that which had belonged to Catiline. Velleius Paterculus, ii, uetonius, *De Illustribus Grammaticis,* xvii; T. H. Dyer, *City of Rome: ry and Monuments,* p. 199.

therefore, was nearer to my age, and his manner more agreeal to the natural order of my temper, I considered him as the prop object of my competition. . . . .

After his consulship (I suppose because he saw that he w beyond comparison the first speaker among the consulars a took no account of those who had not attained that dignity Hortensius relaxed the efforts which he had exerted from boyhood up, and being well off in every way chose to pass time more agreeably, as he thought, or at any rate less laborious Just as the brilliancy fades from the coloring of an old pictu so the first, the second, and the third year each robbed him something not noticeable by a casual observer, but which an ed cated and discerning critic could detect. . . . . When, therefo the once eloquent and admired Hortensius, had almost vanish from the Forum, my appointment to the consulship, which ha pened about six years after his own promotion to that offi revived his dying ambition; for he was unwilling that after I h equalled him in rank and dignity I should become his super in any other respect. But in the twelve succeeding years, by mutual deference to each other's abilities, we united our effo at the bar in the most friendly manner; and my consulship, wh had at first given a short alarm to his jealousy, afterwa cemented our friendship, by the generous candor with which applauded my conduct.[27]

Necessity for culture.

In the light of what has now been said as to the pos bility of winning both fame and fortune at the Rom bar, is it strange that Quintilian should have declar that every ambitious Roman father was eager for son to become an advocate? Certainly no exception w to be found in Cicero's father, who did all in his pow to advance his son's ambition. And yet both perfec understood the difficulties that beset the undertakin difficulties only to be removed, even by the possessor transcendent natural talents, through thorough traini not only in law but in rhetoric and philosophy. Cice

[27] *Brut.*, 92–94.

vas perfectly conscious of the fact that much of the great success that came to him, after his return from Greece was due to his training in philosophy, which he describes as "the fountain head of all perfect eloquence, the mother of all good work." [28]

Cicero's training in philosophy.

Trained from his boyhood under the best of masters, the plans of the young aspirant, who hoped "far to excel, and tower above the crowd," advanced prosperously until suddenly blighted by the frost of the terrible Italian war which completely disorganized the political and judicial machinery of the state. Just as Cicero, now in his eighteenth year, was beginning his law studies under the venerable Scaevola, the augur, the war deepened in intensity, the consuls for the year 89 B.C. being Cn. Pompeius Strabo and L. Porcius Cato. It is in the spring of that year that we catch a glimpse of him as a young recruit going to the battlefield, attached in some capacity to the *praetorium* and the person of the consul Pompeius Strabo himself. In reference to this connection with the northern army under Strabo, he says:

A soldier in the Italian war.

> Cnaeus Pompeius, the son of Sextus, being consul, in my presence, when I was serving my first campaign in his army, had a conference with Publius Vettius Scato, the general of the Marsians, between the camps. And I recollect that Sextus Pompeius, the brother of the consul, a very learned and wise man, came thither from Rome to the conference. And when Scato had saluted him, "What," said he, "am I to call you?" "Call me," said he, "one who is by inclination a friend, by necessity an enemy." That conference was conducted with fairness: there was no fear, no suspicion; even their mutual hatred was not great; for the allies were not seeking to take our city from us, but to be themselves admitted to share the privileges of it.[29]

It was during that campaign that the young Marcus

[28] *Brut.*, 93. [29] Cicero, 12 *Philippicae*, xi.

First contact with Pompey the Great.

came for the time into contact with the consul's son, ver near his own age, known in after years as Pompey th Great, a friend destined to exercise such a marke influence on his after life.

All courts closed except Commission for High Treason.

All hope of a forensic career was suspended of course for the moment, by the war, which swept the more im portant advocates into the army, and closed all the court except the Commission for High Treason, before whic were brought the noblest men in Rome upon the charg of having "incited the allies to revolt." Among the vi tims was the great advocate Caius Cotta of whom Cicer writes: "His exile just at the time when I was mos anxious to hear him was the first untoward incident i my career."[30] As Crassus had died the year before and as his great rival Antonius, the famous orator o the seniors, Sulpicius Rufus, the most distinguishe among the advocates in middle life, and Hortensius, th

Great advocates away with the army.

rising light of the younger bar, were away with the army Cicero who, in the fall of 89 B.C., had returned to h father's house in the Carinae, was compelled to conten himself with listening to the magistrates. He says:

> The only trial we had, was that upon the Varian law; the res as I have just observed, having been intermitted by the war. W had scarcely anybody left at the bar but Lucius Memmius an Quintus Pompeius, who spoke mostly on their own affairs. . . . The rest, who were esteemed our principal speakers, were the in the magistracy and I had the benefit of hearing their harangu almost every day. Caius Curio was chosen a tribune of the peopl though he left off speaking after being once deserted by his enti audience. To him I may add Quintus Metellus Celer, wh though certainly no orator, was far from being destitute of utte ance; but Quintus Varius, Caius Carbo, and Cnaeus Pomponi were men of real eloquence, and might almost be said to hav lived upon the *rostra*.[31]

[30] *Brut.*, 89.

[31] *Ibid.*, 89.

During the next year it was, the year of Sulla's first
nsulship (88 B.C.), that the Social War was trans- Social, transformed into a civil war.
rmed into a Civil War in which for the first time
oman armies were opposed to each other on the battle-
ld, the leaders of the vanquished party being executed
nd their heads exposed on the *rostra* as those of enemies
the state. In the midst of such scenes such orators
Antonius, Sulpicius Rufus, Catulus, and Caius Julius[32]
l perished before quiet was restored for a time in 86 B.C.
It was during the dreadful year 88 B.C. that Marius
ith many other leaders of the popular party were de-
ared public enemies immediately after Sulla had seized
e city. Then it was that the new dynast was defied to
s face by the frail and aged jurist Scaevola, the augur,
ho died shortly afterward, thus opening the way for
icero to continue his studies in the civil law under his
nsman Mucius Scaevola, the pontifex maximus, of
hom mention has been made already. The midnight
d not begin to break however until the return from the
ast in 83 B.C. of Sulla, who, after a winter passed in Sulla's return from the East in 83 B.C.
ampania, pressed forward to Rome, overthrowing the
ounger Marius in 82 B.C., and entering the city without
rther opposition. Soon a last stand was made by the
mbined remnants of the Marians and Italians who
ere completely defeated in a battle fought under the
alls of the capital.

In the midst of the bloody drama enacted in that clos-
g year of the Civil War, when each party seemed to
e intent upon the annihilation of the other, perished
caevola, the pontifex maximus, who seems to have been Death of Scaevola, the pontifex.
t down while fleeing from the Regia, his official resi-

[32] These, along with Crassus and his father-in-law, Mucius Scaevola, pear in the *De Oratore*.

dence, to the sanctuary of Vesta, not far away, before the very image of the goddess. In referring to the incident Cicero cries out: "Why was Scaevola, the pontifex maximus, that pattern of moderation and prudence, massacred before the statue of Vesta?"[33]

Sulla's dictatorship, 82 B.C.

Not until after the Republic had been distracted for nearly ten years by a civil war which suspended all forms of constitutional government, whether by Senate or Assembly, the disorganization extending from Rome to Italy and from Italy to the provinces, was there a restoration of law and order under the dictatorship of Sulla, who in the year 82 B.C., demanded from the Senate the office of dictator for an indefinite period, with the power of life and death over every citizen, and with plenary powers for the reform of the constitution. When under the Sullan régime the courts were reopened with certain serious changes of organization as to criminal judicature to be noted hereafter, Cicero, then in his twenty-fifth year, began his forensic career. He says:

Cicero began his forensic career in his twenty-fifth year.

> This time was distinguished by a violent struggle to restore the liberty of the Republic; the barbarous slaughter of the three orators, Scaevola, Carbo, and Antistius; the return of Cotta, Curio, Crassus, Pompey, and the Lentuli; the re-establishment of the laws and courts of judicature, and the entire restoration of the commonwealth; but we lost Pomponius, Censorinus, and Murena, from the roll of orators. I now began, for the first time, to undertake the management of causes, both private and public; not with the view of learning on the Forum, as most did, but as far as had been in my power to accomplish, I came into the Forum fully trained.[34]

[33] Cicero, *De Natura Deorum*, iii, 32. [34] *Brut.*, 90.

CHAPTER V

THE ROMAN CONSTITUTION

System of government with which Cicero had to deal.

HAVING outlined the career of Cicero down to the ictatorship of Sulla when, on the completion of his venty-fifth year, his public life really began, an attempt ıust next be made to outline, down to the same point of me, the growth of the Roman constitution,[1] because it impossible to understand his career, either as an advoıte or as a statesman, without a definite comprehension f the system of government, constitutional and legal, ith which he had to deal.

Roman constitution in the regal period.

The beginnings of the Roman constitution are emedded in the traditional history of the great city-state ıat arose on the banks of the Tiber out of the union f a group or groups of village communities, which cerinly coalesced upon the general plan dominant in the reek and Italian peninsulas. In Italy the village comunity appears as the *gens;* out of a union of *gentes* rose the tribe; out of a union of tribes arose the cityate. It seems to be clear that the Italian city was ıther the fortress, the place of meeting, the place of ıelter, of the tribe, or collection of tribes, than the tual home and dwelling place which it was according Greek ideas. A group of Latin villages grew together form a border fortress of Latium on the Etruscan arch.[2]

[1] "Constitutions are not made, they grow." — Sir James Macintosh. 'um Laelius, nunc fit illud Catonis certius, nec temporis unius, nec minis esse constitutionem Republicae." — *De Repub.*, ii, 21.

[2] The Latins began with a *Markgenossenschaft,* and the town, like the itish *oppidum,* was at first a mere place of defense in case of the attacks enemies. — E. A. Freeman, *Comparative Politics,* p. 257.

In the Latin city of Rome,[3] which gathered around i the various classes of citizens, half-citizens, allies, an subjects, all looking to the local city as the commo center, the idea of the single independent city — the rulin city — reached its highest development. In the structur of the early Roman city-state, which arose out of th aggregation of a group of village communities, the mark of fusion are more distinct than the traces of the admix ture of races. No one can tell how long the process o federation was in progress, while of the constitution an history of the united city-state in the early days of it existence it is impossible to give more than a meagr outline.

Rome as a city-state.

Product of a process of federation.

According to tradition, the *populus Romanus* wa divided into three tribes, Ramnes, Titienses, and Luce res,[4] and into thirty *curiae,* each *curia* representing group of *gentes,* and each *gens* a group of families. Th *curia,* whose members were probably neighbors and kins men, is generally regarded as the keystone of the prim tive political system, and it doubtless represents a stag in political development midway between that in whic clanship is the sole bond of union and that in which suc claims as those of territorial contiguity and ownership o land have obtained recognition. Even in Cicero's tim there were still curies, curial festivals, and curiate assem blies. The members of the thirty *curiae*[5] constituted th

Curia the keystone.

Members of the *curiae* constituted the *populus Romanus.*

[3] As to the admixture of non-Latin elements, Sabine and Etruscan, s Mommsen, *Römische Geschichte,* vol. i, p. 43. Jeffrey Gilbert, *Foru Romanum* (*Topographie,* i, c. 5), accepting the Sabine settlement, hol that in the union the Latin element decisively predominated.

[4] The original legend, the topography of which there seems to be good reason to doubt, comes out in *Dionysius,* ii, 50. For Mommsen's trea ment of it, see *Röm. Gesch.,* vol. i, p. 33.

[5] But, although the *curiae* had local centers, membership of these bodi did not depend on residence in a given locality. It was hereditary, and the members of a *gens* migrated from its *curia,* the *gentiles* were st members of that state division. — Greenidge, p. 41.

opulus Romanus, and the earliest known condition of oman citizenship is the *communio sacrorum,* partnership the curial *sacra.* The soundest view is that the rimitive Roman people of the thirty *curiae* included l the freemen of the community, simple as well as entle.[6]

The common chieftain, whose appointment federation ade necessary, was the *rex,* the ruler of the united eople.[7] The terms *interrex* and *interregnum* go far to rove not only that Rome once had kings, but that those ngs were elective and not hereditary. There must ave been a time when the *interrex* really was, as his ame implies, the magistrate who was to preside at e election, not of consuls, but of a king. When, in ter times, there were no "patrician magistrates" hold elections for their successors, a procedure as adopted which we have every reason to believe epresented the manner in which the early kings were osen.[8]

Rex as ruler of united people.

In the discharge of the manifold duties, secular and ligious, that clustered around the royal office, the king as assisted by a body of elders, a representative body chiefs, who, as a permanent advising body, stood to e king as the family council to the house-father in the rliest times. The Roman Senate was, no doubt, an tgrowth and expansion of that idea. The senators, e *patres,* taken from the leading *gentes,* held office for e, and, as the ultimate depository of the supreme power

Origin of Roman Senate.

[6] Cf. Mommsen (*Römische Forschungen,* vol. i) as to the vexed question he purely patrician character of the *curiae.*

[7] That he was once the priestly head of a community bound together by mon *sacra* is manifest from the survival of the *rex sacrificulus,* as he ears in Livy, vi, 41. But that his real title was *rex sacrorum* appears m Livy himself (xxvii, 6).

[8] Cf. *De Leg.,* iii, 3; Liv., iv, 7.

and of the *sacra* connected with it, they claimed the righ

Appointment of an *interrex*.

to appoint the *interrex* from their own body,[9] to be con sulted in the choice of the new king, and also the righ to ratify the vote of the assembled freemen. Vacancie in their ranks were filled by the king, to whom they coul give advice and counsel only when he saw fit to conven them. Before the close of the monarchy the numbe of senators, originally 100, was gradually increased t 300.[10]

The popular assembly *comitia curiata*.

Neither the Senate nor the popular assembly of unite Rome could meet except when the king saw fit to con vene them. In the earliest days that assembly *(comiti curiata)*, in which the freemen voted by the *curia*, just a in an American convention the vote of the entire bod may be taken by delegations,[11] met in the *comitium* at the northeast end of the Forum, under the presidenc of the king, or, in his absence, of the *interrex*. Whe

Voting *curiatim*.

the vote was put, the *curiae* were called in turn, and s voting took place *curiatim*. A majority of the votes c the *curiae* determined the final result, after the will c each *curia* had been declared by a majority of its qualifie members.

Struggle of plebeians for political and legal equality.

An attempt must next be made to indicate the proce through which the clanless classes, known as plebeian fought their way from a depressed condition to one c political and legal equality with the patrician body, who members dominated and controlled the early Rom

[9] Tradition dates the *interregnum* from the first vacancy in the ro office, after the death of Romulus. — *De Repub.*, ii, 12, 23; Liv., i, 17; Dio ii, 57. When such a vacancy occurred the auspices under which the st had been founded "returned to the *patres*" (Cicero, *Ad. Brutum Orat* i, 5, 4) and not to the *comitia curiata*.

[10] Liv., i, 8, 17, and 35; ii, 1; Greenidge, p. 59.

[11] See Bryce, *Studies in Hist. and Jur.*, p. 711.

[12] Varro, *L. L.*, v. 155. For the position of the *comitium*, see Smi *Dictionary of Geography*, s. v. "Roma," and Jordan, *Topog. d. Stadt R*

ate. Putting aside the guesses of the antiquarians as the original sources from which the clanless classes ere drawn,[13] it may be said that the plebeians *(plebs, ebii)* represented that part of the free community which ood beyond the pale of the *patres,* as the complement that order. It is generally assumed that at a very rly stage in the history of the city all plebeians were a half-servile condition of clientship. Even if it be mitted that the plebeians had the right to hold prop- y, both movable and immovable, to transfer it by iritarian modes of conveyance, and to have the pro- tion for it of the tribunals, the fact remains that they d no share in the government of the city, and no right participate in its religion. While, even before the rvian reforms, the plebeians through the decay of entage may have become half-fledged citizens, their ermarriage with the gentile houses was out of the estion. During the first few centuries *gentes* they had ne; a fact which placed them at a disadvantage in matter of inheritance and guardianship.[14]

The aim of the military, financial, and constitutional orms of Servius Tullus was to hasten the advance ward equality between patricians and plebeians by rec- nizing the latter for the first time as, in a sense, mem- s of the state. The basis of the primitive military tem had been the three tribes, each of which furnished thousand men to the legions and one hundred men he cavalry.[15] Servius undertook the formation of a

Advance toward equality hastened by Servian reforms.

Freeman's guess is "that the new Roman people, the *plebs,* was made rom the beginning of strictly local tribes; it is certain that, as the state , it grew by the addition of fresh local tribes."—*Comp. Pol.,* p. 70. On these obscure subjects, see Mommsen, *Staatsrecht,* vol. i, pp. 66 *sq.,* 130 *sq.;* Bloch, *Origines du sénat romain,* pp. 255 *sq.;* Karlowa, *Röm.* , vol. i, p. 62; Cuq., *Inst. Jurid.,* pp. 43 *sq.*

Varro, *L. L.,* v, 89.

new and enlarged army on a new footing, disregardin both the old clan divisions and the semi-religious, sem political *curiae*. The new system rested on a distributio of all freeholders *(assidui)* into tribes, classes, and ce turies.[16] As the new arrangement was to embrace th whole community, and as the plebeians, many of who had no clans, could not be made members of the thr primitive tribes, it was necessary to invent new tribes fo their benefit which could include the whole community.

New tribes invented for benefit of *plebs*.

As a recognition of the rights of property was a ne essary preliminary to the imposition of taxation and th full quota of military service, the tribes marked divisio of the land, and individuals were registered in that tri in which their land allotment lay.[18] It is probable, ho ever, that the tribes were more than mere divisions the land; they appear to be divisions of the *popul Romanus,* of which the disinherited or ruined patricia who had lost his land was still a member.[19] The centr idea of the Servian reforms was essentially military, a its methods of registration recognized only those pe sons who were qualified for service by wealth — weal being the primary basis of classification. For strateg purposes the new array was divided into classes,[20] a

Wealth primary basis of classification.

[16] *De Repub.,* ii, 22; Liv. i, 4; Dion., iv, 16.

[17] The four were the Palatina, Suburana, Exquilina, Collina. Cf. Li i, 43. Mommsen holds that "the four tribes are probably nothing more th the three Romulian increased through the *territorium* of the town on Quirinal." — *Staatsrecht,* vol. iii, p. 125.

[18] For that reason Servius is said to have prohibited transference domicile or allotment. — Dion., iv, 14.

[19] "The tribe to which a landless man belonged would depend upon domicile." — Greenidge, p. 68.

[20] For service in the first class the property qualification is given 100,000 asses (Livy), for the second at 70,000, third 50,000, fourth 25,0 fifth 11,000. A certain acreage of land, as an original qualification, w probably changed afterward into a given sum of money. Cf. Momms *Römische Tribus,* p. 115.

ding to age, the unit of organization being the *cen-ia,* consisting nominally of one hundred men. The of registration *(census)* was a solemn religious func- n conducted by the king, who numbered his fighting ce, saw that each warrior was in his proper rank, ex- ded from the ranks men who were stained with sin, l then concluded the examination with a ceremony of ification *(lustrum).* This system, at first exclusively itary in its nature and objects, was subsequently opted with modifications as the basis of the political tem.

Registration a religious function.

Despite the fact that the primary purpose of the cen- iate organization was the assembly and registration those liable for military service, it was soon employed a scheme for the collection of taxes on the registered alth of the citizens of the classes. Thus a new and ked assembly sprang into existence, the *comitia cen- iata,* a citizen army, parliament and law court in one, which a preponderance of political power was inevita- transferred.

The *comitia centuriata.*

While the older assembly of the patrician order, *comi- curiata,* was not suddenly stripped of its functions, re was a large number of important public acts which re naturally performed from the first by the assembly the centuries because especially within its jurisdiction. this assembly an announcement of a purpose to de- re war could most appropriately be made; by the tax- ers here assembled the war tax *(tributum)* could be st conveniently assessed; here the oath of allegiance, bably renewed at every taking of the *census,* was ex- ssed in a *lex centuriata,*[21] and not, as at first, in a *lex*

Growth of its jurisdiction.

[21] "Majores de singulis magistratibus bis vos sententiam ferre volu- t; nam cum centuriata lex censoribus ferebatur, cum curiata ceteris iciis magistratibus, tum iterum de eisdem judicabatur." — Cicero, *De Agraria,* ii, 11, 26. Cf. Greenidge, pp. 72–77.

curiata; and here, no doubt, was exercised the appella power, when the king allowed an appeal in a crimin proceeding, because the regal jurisdiction which t people challenged by the *provocatio* was essentially mi tary jurisdiction.

Supersedes the *comitia curiata.*

Thus before the end of the regal period a silent y momentous change was wrought in the structure of t primitive constitution through the transference of t substance of sovereignty from the *comitia curiata,* th assembly of a single order, to the *comitia centuriat* representing both orders, now blended in the *popul Romanus* in the full sense of that term. In the proce of time the oldest sovereign assembly of Rome, *comit curiata,* became a mere shadow of its former self. I chief surviving constitutional functions were the passi of the *lex curiata,* which was necessary for the ratificati originally of the *imperium,* the creation of fresh pat cian magistracies, and of the *potestas* which these i volved.[22] For the performance of such acts the *comit curiata* was in Cicero's day often represented by b thirty lictors,[23] and the same scanty attendance may ha sufficed for the other formal acts retained from earli times.[24]

Merely a survival in Cicero's time.

[22] Messala *ap. Gell.,* xiii, 15, 4: "Minoribus creatis magistratibus tribu comitiis magistratus, sed justus curiata datur lege."

[23] *De Leg. Agr.,* ii, 12, 31.

[24] These are the acts of the *comitia calata.* Upon the whole subje see the interesting statements of Greenidge, pp. 26–27, 250–51 a notes. After the overthrow of the Republic, all the Roman popul assemblies died out and became obsolete without being formally abolish The power of direct legislation then passed to the Senate. T *comitia* gradually became a mere name under Augustus and Tiberi Caius, after professing to restore the assembly to its old powers, wi drew his own gift. For a notable description of the change, see Di Cassius, lix, 20, who says: *ἀπέδωκε μὲν γὰρ τὰς ἀρχαιρεσίας αὐτοῖς· ἅτε ἐκείνων τε ἀργοτέρων ὑπὸ τοῦ πολλῷ χρόνῳ μηδὲν ἐλευθέρως κεχρηματικέ ἐς τὸ δρᾶν τι τῶν προσηκόντων σφίσιν ὄντων, καὶ τῶν σπουδαρχιώντων μάλισ μὲν μὴ πλείονων ἢ ὅσους αἱρεῖσθαι ἔδει ἐπαγγελλόντων, εἰ δέ ποτε καὶ ὑπ*

Such criminal jurisdiction as the state did exercise in e early days was vested in the king, who, as judge—

Criminal jurisdiction originally vested in king.

. . sometimes availed himself of a "council"; sometimes, perps in cases of minor importance, delegating his judicial powers individual "judges"; aided, in his quest of capital crimes, by *questores parricidii;* appointed at his pleasure, in cases of eason, the extraordinary *duumviri;* allowing, though perhaps t bound to do so, an appeal from the latter to the assembled rgesses,—this is all we can recognize with any degree of nfidence.[25]

The king—

. . specified the crime under which the accused was to be tried, d the penalty to be inflicted, but left the finding on the facts to delegates (Liv., 1, 26). Two such classes of delegates are atbuted to the regal period, the *duumviri perduellionis* and the *aestores parricidii*.[26]

If the boundary between civil and criminal jurisdiction isted at Rome at all, it was very faintly defined. oman law continued to treat to the last as civil delicts ts now regarded exclusively as crimes. If a conclun may be drawn from the position they held in the ter jurisprudence, theft and robbery were regarded not public but as private wrongs.[27] The power of punishent exercised in early times by the king and the *comitia nturiata* was shared in later times by the Senate. While cases of special importance the *comitia* and the Senate

Boundary between criminal and civil jurisdiction faintly defined.

ἀριθμὸν γένοιντο, διομολογουμένων πρὸς ἀλλήλους, τὸ μὲν σχῆμα τῆς ιοκρατίας ἐσώζετο, ἔργον δ' οὐδὲν αὐτῆς ἐγίγνετο, καὶ διὰ τοῦτο ὑπ' αὐτοῦ ις τοῦ Γαΐου κατελύθησαν· κἀκ τούτου τὰ μὲν ἄλλα καθάπερ καὶ ἐπὶ τοῦ ερίου καθίστατο. Finally senatorial legislation was superseded by erial legislation. See the author's *Science of Jurisprudence*, p. 118.

[25] Clark, *Early Roman Law*, p. 87, citing Heineccius, *Elementa Juris ilis*, §136.

[26] Greenidge, p. 63.

[27] Muirhead, *Roman Law*, p. 69.

exercised their power directly, it was usually delegated in each case to a magistrate or a body of commissioners. Such commissioners *(quaestors)* were appointed at first for particular cases, and afterward for particular classes of cases.[28] The series of statutes by which *questiones perpetuae* were instituted for the trial of particular classes of crimes wherever committed, beginning with the *lex Calpurnia,* 149 B.C., continued until a number of courses of conduct had been from time to time branded as criminal. Each standing commission was established by a special law, and consisted of a praetor chosen annually, assisted by a small popular assembly consisting sometimes of as many as 100 *judices,* who were summoned for each particular case. It was before popular courts of that character, presided over by a praetor, that Cicero delivered his famous orations in criminal cases. By the constitutional legislation of Sulla, as we shall see hereafter, the control of such courts *(questiones perpetuae)* was taken away from the equestrian order and restored to the Senate.

Questiones perpetuae.

Each standing commission established by a special law.

Turning from criminal to civil procedure, it appears that there was a time when all questions of quiritarian right, such as disputes concerning property and inheritances, were settled between the contending parties, supported by their clansmen and friends, with the spear as the arbiter.[29] After the firm establishment of the authority of the state, it appears that this procedure by battle was at a very early day superseded by a submission of such questions of right to the college of pontiffs, of whom

Procedure in civil cases.

Trial by battle.

College of pontiffs.

[28] There are traces in very early times of standing *quaestores parricidii.* — Ortolan, *Explication historique des Instituts,* vol. i, pp. 182–83.

[29] The praetor commanded the parties to go to the ground *suis utrisque superstitibus praesentibus.* Cf. Cicero, *Pro L. Murena,* xii, 26. "Sic dixi, ecce tibi, vindictam imposui." — Gaius, iv, 16.

e king was the official head.[30] As their functions were cred, the pontiffs could only acquire jurisdiction over purely civil controversy through the engrafting of a cred element which was added by requiring each of e parties to verify his contention by an oath, whose ath or falsity constituted the ostensible issue. Under at form a finding was made on the real issue, and the rty in whose favor it was pronounced was free to make effectual by self-help, if necessary.[31]

A sacred element necessary.

Did Servius Tullius substitute for king and pontiffs a merous court of citizens to try questions of quiritarian ght upon his submission? If he did, was it his inten- n that the judges should be selected from among the trician citizens for each case as it arose, or was it a llegiate court or courts that he established, in which e judges had an official character? Dionysius says that rvius drew a line of separation between public and pri- te judicial processes, and that, while he retained the rmer in his own hands, he referred the latter to private dges, and regulated the procedure in cases brought be- re them.[32] Such a substitution for king and pontiffs of a merous court of citizens to try questions of quiritarian ght seems quite in harmony with the general spirit of e reforms of Servius, who, by enormously increasing e number of citizens entitled to that right, multiplied e sources of such future disputes as would have to be termined by such a tribunal or tribunals.[33] By their

Servian reforms.

Popular courts substituted for king and pontiffs.

[30] On early Roman law, see the work of P. Jörs, *Römische Rechtswissenaft zur Zeit der Republik* (1888).

[31] As to the nature of the *legis actio sacramento,* see Asverus, *Die Legis o sacramenti,* Leipzig, 1837; Fioretti, *Legis actio sacramenti,* Naples, 3; Sohm, p. 153; Maine, p. 46.

[32] Dion. Hal., iv, 25.

[33] "Thus we should *a priori* arrive at the institution of some other court ides the king's, without the testimony of Dionysius, as a simple matter

judgment not mere matters of personal dispute had to b determined, but a law had to be built up which could b of general and permanent application. There were however, many cases requiring judicial assistance involv ing no question of quiritarian right, no general princip of law, simply personal claims, mere disputes or diffe ences as to facts, which could well be decided by a sing judge.

The trial of civil cases, originally vested in the colleg of pontiffs, of which the king was the official head, wa thus finally transferred by him to a single judge *(unu judex)*, who acted as a royal commissioner in each cas as it arose.[34]

Habit of intrusting judicial office to private citizen.

From that habit of intrusting the judicial offic to a private citizen, chosen for each individual case, an acting on a commission from the praetor, instead o to officials trained for the purpose, flowed results whic contributed more perhaps than any other one cause t make Roman law what it is and has been. Such wa the beginning of a system that bore such wonderful fruit and finally displaced altogether the more imposing cen tumviral and decemviral courts.

Beneath the fabulous story of the flight of the kings

of necessity. . . . . The best modern authorities admit the existence of th *judices* under the kings, whether their institution is to be attributed t Servius or not." — Clark, p. 100, citing Walter (trad. par Laboulaye *Procédure civile chez les Romains*, ch. i; Ortolan, *Histoire de la Législ tion romaine*, §§ 117, 162; Zumpt, *Criminalrecht*, Absch. i, 4.

[34] Wlassak contends that originally in *legis actiones* the trial common took place before a *unus judex*, and that the centumviral and decemvir courts did not come into existence until much later than the *Twelve Table* in accordance with the statement of Pomponius.—*Röm. Processgesetz* vol. i, pp. 131 *sq.* It seems to be clear that in the later Republic the *decem viri stlitibus judicandis* were chiefly engaged in trying actions affecti personal liberty. — Sohm, p. 150, n. 2. All sworn judges, including th *decemviri*, stood to the parties solely in the position of private individua (*judex privatus*), and not in the position of magistrates equipped wi compulsory powers. — Pernice, A., *ZS. der Sav. St.*, vol. v, p. 48.

told by the chroniclers whom Livy[35] followed, it is hard to perceive the marks at Rome of the wide-ead wave of change similar to that which in Greece ept away the old heroic monarchies. At Rome, how-r, the transition was, externally, more sudden and ided.

Transition from kings to consuls.

Rome had nothing answering to the archonship for or ten years; into the place of the kings, chosen for , there at once stepped the two consuls, or rather, etors, chosen for a single year.

After personal kingship was abolished, the new magis-tes simply took the place of the king and kept it; kingly office was simply put into commission with hing taken away from its power and not much from dignity. Even the title of king lived on at Rome as style of one of the priests of the national religion *x sacrificus, rex sacrificulus, rex sacrorum).*[36] In the servative commonwealth of Rome, which never wholly lished any of its ancient institutions, we see how both kingly and aristocratic elements of the state, in the mon acceptation of those terms, might be swept away nout at all sweeping away the substance of either the gly or the aristocratic power. To the consuls were n two general assistants, the annually appointed estors, whose most distinctive duties as representa-s of the supreme magistracy were those concerning inal jurisdiction and finance, probably occupying with ect to criminal procedure much the same place as

Annually appointed quaestors.

[35] Liv., ii, 9–14. Consult also Pliny, *N. H.*, 34, 14, and Tac., *Ann.*, iii, 72. riticism of the whole story, see Schwegler, vol. ii, pp. 60–202, and er, *Latium u. Röm*, p. 180.

[36] Liv., vi, 41; xl, 42. That his real title was *rex sacrorum* appears from himself (xxvii, 6), from Gellius (xv, 27), and Cicero (*Pro Domo* 14). *Rex sacrificulus* must have been a survival of a real *rex*. Cf. an, *Comparative Politics*, p. 32.

the *duoviri* in the trial of Horatius.[37] While in th choice of the members of their council of state, the Senat the consuls were legally as unfettered as the king ha been, they were so restrained by custom that the senato were no doubt protected against either capricious remov or selection.

Senate a stronghold of patrician influence.

The patrician clans had a close hereditary connectio with the Senate, and the history of the next century an a half represents it as the stronghold of patricia prejudice and influence. In great emergencies it cou recreate the single kingship by the appointment of dictator.[38] Under normal conditions the criminal law which was becoming more and more secularized and r

Consuls as guardians of criminal code.

moved from the direct control of religion, was monopo lized by the official class, as a criminal inquiry coul be undertaken solely on the initiative of the consu who were ostensibly the only guardians of the crimin code.

Patrician power limited by tribunes.

Against such recognized forms of patrician power th plebeians renewed their struggle for legal and soci equality armed with little more than the restricted votin power they had won in the *comitia centuriata*.[39] Th primary purpose of the *plebs* was to defend themselv by limiting the power of the magistrates in the earlie

[37] Liv., i, 26. As to the tradition which assigns these officials to the reg period, see Mommsen, *Staatsrecht*, vol. ii, pp. 523 *sq*. He thinks that whi the financial quaestors, as standing officials, originated with the Republ they had their origin in the criminal *quaestores* of the regal period. C Greenidge, pp. 63, 80.

[38] Mommsen's theory is that the dictator was regarded as the superi colleague of the consuls. His earliest official title was *magister populi*, t technical title in the augural books. — *De Leg.*, iii, 3, 9. In deference republican sentiment he was later called *dictator*. — *Staatsrecht*, vol. pp. 145, 153.

[39] It seems to be beyond doubt that at some time during the first thr centuries of the Republic plebeians were included in the *comitia curiata*. Mommsen, vol. iii, p. 93.

cial struggles which centered around the possession of
e public land[40] and the law of debtor and creditor.
hen the consul Appius renewed the enforcement of the
v of debt, the plebeian military contingent suddenly
thered in battle array and demanded the appointment
two magistrates, known as tribunes,[41] who should have
e power of suspending the decrees of the consul when
eled against a member of the *plebs*. These magis-
tes, originally two in number, and recognized by a
centuriata passed 494 B.C., must from the first
ve been elected by an assembly of the *plebs* known as
concilium plebis curiatim.[42] In dealing with these
ferent assemblies it must never be forgotten that—

Elected by an assembly of the *plebs*.

> . . practically we are treating the Roman community engaged
> h different orders of the day under different formal rules.
> e people require to be organized in one way for one function
> l in another way for another, but under the changing forms
> re is a unity of personnel which forbids us regarding the differ-
> assemblies as different sovereigns. The only disturbance to
> s unity is found in the fact that the patricians were always
> luded from the *concilium* of the *plebs*.[43]

Not until 287 B.C. were the resolutions of the *plebs* st raised to the level of laws.[44] The magistrates of e *plebs* were given two assistants, called aediles, who re the same relation to them as the two quaestors did

Resolutions of *plebs* made laws in 287 B.C.

[40] As to the early distribution of land among plebeians, see Muirhead, 39 *sq.*

[41] Varro., *L. L.*, v, 81: "tribuni plebei, quod ex tribunis militum primum uni plebei facti, qui plebem defenderent, in secessione Crustumerina." Greenidge, p. 93.

[42] Cicero, *ap. Ascon. in Cornel,* p. 76: "Tanta igitur in illis virtus fuit, ut o XVI. post reges exactos propter nimiam dominationem potentium derent . . . . duos tribunos crearent."

[43] Greenidge, p. 250.

[44] By the *lex Hortensia* the *concilium plebis* was made one of the legis- re organs of the community. — Gaius, i, 3. See also Pompon., *Dig.*, i, 8.

Aediles as assistants of tribunes.

to the consuls.[45] Not until 462 B.C. did the plebeian community attempt to advance beyond the system of defensive control over the magistrates of the state by establishing such an equality in the administration of the law as would render this clumsy negative system unnecessary.

Making of the code of the *Twelve Tables.*

Prior to the *Twelve Tables,* the private citizen of Rome had no means of ascertaining the law except by asking some sage, who need not answer unless he pleased and whose view had no authority except that which his personal reputation implied. In 462 B.C. a tribune made a proposal to the *concilium* of the *plebs* that a commission of five be appointed to clear up the forms of legal procedure;[46] and in the next year a resolution of the whole college of tribunes was framed for that end. First a commission of three was appointed to gather information from the Greek codes, and then a commission of ten patricians with consular powers *(decemviri consulari imperio legibus scribendis),* whose duty it was to frame and publish a code of law binding equally on both orders and creating equal rights for all.[47] The outcome was the *Twelve Tables* which, after confirmation by the centuries, were published to the masses by the consuls of 448 B.C.;[48] and, in the words of Livy, remained the "fountain of all public and private law."[49] The code was thoroughly Roman, both as to substantive and ad

Published by the consuls of 448 B.C.

[45] "Tribunos et aediles tum primum per seditionem sibi plebes creavit —Gell., xxiii, 21. See also Pompon., *Dig.,* i, 2, 2, 21; Dion., vi, 90.

[46] Liv., iii, 9; Pompon., *Dig.,* i, 2, 2, 4; Mommsen, *Staatsrecht,* vol. p. 202.

[47] "Se . . . . omnibus, summis infimisque jura aequasse." — Liv., iii, 3

[48] "Leges . . . . in aes incisas in publico proposuerunt." — Liv., iii, 5 10. Pomponius says, "in tabulas eboreas prescriptas." — *Dig.,* i, 2, 2, 4.

[49] "Decem tabularum leges quae nunc quoque in hoc immenso aliaru super alias acervatarum legam cumulo fons omnis publici privatique e juris." — Liv., iii, 34.

ctive law, and so remained eminently national and
-Hellenic to the end of the Republic.[50]

Not until eighty-one years after the close of the strug-
e that culminated in the enactment of the decemviral
de was the administration of civil law *(jus civile)* sev-
ed from the consulship and entrusted to a separate
agistrate known as the *praetor urbanus*[51] who, if not
jurisconsult himself, was a magistrate entirely in the
nds of those who were. The law the *praetor urbanus*
lministered was the local law of a city, now called *jus*
vile in the special and narrower sense of the term, the
s proprium civium Romanorum. More than one hun-
ed and twenty years after the creation of the *praetor*
banus, a new praetor was appointed at Rome, 242 B.C.,
own as *praetor peregrinus,* whose duty it was to decide
ses between foreigners *(perigrini)* and between Roman
izens and foreigners. An attempt has been made al-
ady to explain the necessity for the appointment of this
w judge out of whose jurisdiction grew the *jus gentium,*
e law common to all nations,[52] by whose broad and
ilosophic conceptions the narrow archaic law of Rome
as so enriched and expanded that in time it was largely
perseded. Finally it could be said that, as a result of
at process, "Roman law was finished; the local law of
e city had passed into a law available for the world in
neral."[53]

Praetor urbanus, 367 B.C.

Administered local law.

Praetor peregrinus, 242 B.C.

Jus gentium.

No mention has so far been made of the creation of
e office of *censor,* which from small beginnings[54] grew

Censor and his duties.

[50] Cf. Bryce, p. 755.

[51] "Cum consules avocarentur bellis finitimis neque esset, qui in urbe jus
lere posset, factum est ut praetor quoque crearetur, qui urbanus appel-
us est, quod in urbe jus redderet." — Pompon., *Dig.,* i, 2, 2, 27.

[52] See above.

[53] Sohm, p. 86.

[54] Liv. l. c.: "Idem hic annus censurae initium fuit, rei a parva origine
tae." — Greenidge, p. 115.

into one of the greatest of political prizes. In the year 443 B.C. two new officials, called *censores,* were created who were to be elected by the assembly out of the patriciate, whose primary duty was to attend to the registration, which involved indirectly not only the imposition of pecuniary burdens on individuals, but also an inquisition into character always necessary as a qualification at Rome for the performance of the humblest public function.

Regimen morum.

Thus it came to pass in time that the rule of manners *(regimen morum)* overshadowed every other aspect of the *censor's* office.

Constitution of city-state in second half of fifth century B.C.

Such, in general terms, was the nature of the constitution of the city-state in the second half of the fifth century before Christ, when Rome was still an aristocratic community of free peasants, occupying an area of about 400 square miles, with a population estimated at not more than 150,000.[55] That population dispersed over the countryside was divided into seventeen districts or rural tribes, most of the families having a cottage of their own and a small holding, where father and sons lived and worked together, with the cattle kept at pasture on the neighboring commonland. The constitution of the Roman city-state was slowly evolved; it was the outgrowth of the character of the Roman nation; and its form was therefore in strictness that of a restrained democracy.

[55] Ferrero, *Greatness and Decline of Rome,* vol. i, p. 1, who says: "It is true that, according to Livy, iii, 24, the census of 459 B.C. counted 117,319 citizens, which would give a free population of about 400,000. But these figures do not seem to me probable, for the following reasons: (1) If Rome had at that time had as many as 120,000 soldiers, she would not have experienced so much difficulty in conquering the small neighbouring peoples. (2) A population of over 1,000 inhabitants to the square mile could not possibly have subsisted, no matter how poor, at a time when Rome lived entirely on the produce of the land. (3) These figures do not agree with others which are more certain."

was in fact more popular in form than any other of ich there is a record in history.

As the ancient world knew nothing of the Teutonic ention now called representative government, the sov- ign powers of the city-state were vested in a primary embly, *comitia*, in which, as in a New England town eting, each citizen represented himself.[56] The mag- rates were elected annually by the assembly, a supreme rt of appeal without whose sanction no freeman could vfully be put to death. In the assembly was vested supreme power of legislation, where consul, praetor, tribune could propose a law to the people, who could ept it, if it pleased them, and then swear all public cials to obey it under penalty of treason. As a check the possible rashness of such a democracy, it was pro- ed that a veto might be interposed by a single consul tribune, which, however, would be binding only during year of office. Thus a way was provided for making t question a condition for popular approval at the next ction.

Sovereign powers of the state vested in a primary assembly.

The veto power.

In the early days at Rome, law-making devolved en- ly upon primary popular assemblies which could be voked and presided over only by a magistrate; no cussion took place in them; they met only on proposi- ns of the presiding magistrate, who alone could speak, l who spoke only to put the question. They voted e only, and that vote was final and supreme, requir- no assent of or confirmation by any other body, but rating directly to create a rule binding all members the state. In order that it might be understood by ordinary citizen, the bill proposed was necessarily

Vote of assembly final and supreme.

[56] Just like a Homeric ἀγορά, an Athenian ἐκκλησία, a Frankish *mallum*, ld English *gemot*, an Icelandic *thing*. Cf. Freeman, pp. 46, 130, 136, 148.

Bills not amendable.

clear and terse. As it could not be amended by th assembly the proposing magistrate responsible for it w likely to prepare it with scrupulous care, as it could not corrected at any later stage or in any other legislati body.[57]

Senate functions advisory and administrative.

The functions of the Senate were primarily adviso and administrative, both as to religious and secul policy; it was without direct legislative authority. Ar yet as a matter of custom and not of right it was pe mitted in normal times to preconsider new schemes legislation prior to their submission to the assembly, a to refuse to recommend them, if they were considere inexpedient. It was the duty of the Senate to expre its opinion of a proposed law before and not after th popular assembly, and by the *lex Hortensia*, in 287 B.C. the resolutions of the assembly of the *plebs* became la even without the ratification of the Senate.[58] Thus was that the assembly of the tribes slipped from th control of the Senate, while about 241 B.C. the assemb of the centuries was reformed in such a way as to depri the rich of much of their former influence.

Lex Hortensia, 287 B.C.

Sovereign powers gradually usurped by the Senate.

The problem of problems in the history of the Roma constitution is that involved in the process through whi the sovereign powers, originally vested in what Momm sen calls "a clumsy collegiate government" by popul assemblies, were gradually usurped by the Senate as th organ of a rich and powerful aristocracy. The explan tion is to be found in the fact that as the dominion

[57] Cf. Bryce, pp. 708 *sq.*

[58] Gaius, i, 3: "Olim patricii dicebant plebi scitis se non teneri, quia s auctoritate eorum facta essent; sed postea lex Hortensia lata est, q cautum est, ut plebi scita universum populum tenerent, itaque eo mo legibus exaequata sunt." By the date of the *lex Hortensia* (287 B.C.) t republican constitution had, in all essential points (considered as t constitution of a city-state), completed its growth. — Greenidge, p. 132.

e city-state was extended over a vast area of territory ich it was compelled to govern, without the modern vice known as representative government, the archaic mocratic machine simply broke down in the presence an impossible task. The stress of incessant war made plain that the Senate as a permanent body of trained ministrators was the only power capable of conducting airs when a large part of the voters, who nominally mposed the assemblies, were away with the legions; d who, even when assembled, were ill qualified to settle mentous and complex questions of military strategy d foreign affairs.

Why the archaic democratic machine collapsed.

As conquest advanced, the spoils of war, including ney, poured mainly into the hands of the senatorial nilies and into those of certain great commoners who, nverting money into political power, bought their way o the Senate through elections to the magistracies ich were open to all. Clubs and coteries managed elections to the offices of quaestor, aedile, praetor or sul, and in that way those who won magisterial power ssed for life into the Senate, which, as the permanent ncil of state, became the real governor of the growing pire. From its own membership it appointed gov- ors of the provinces, it controlled the revenue, and ected the public policy.

Senate a permanent council of state.

The land question, the eternal question at Rome, arose of the habit of adding to the public domain *(ager blicus)* a third or more of the confiscated lands of the quered, a national fund constantly mismanaged and ndered throughout the period of the Republic. Old arian troubles beginning in that way were intensified n, with the concentration of wealth in a few hands, ll holdings were swept together, by purchase and by

The land question.

Great estates.

fraud, into great estates whose proprietors, as conque advanced, began to purchase slaves by thousands. It said that, about the beginning of the first century B.C the greater part of the lands of Italy, used largely fo sheep farming, were held by not more than two thousan persons. Thus the small farmers everywhere, even they were able to keep their lands, were ruined by th

Slave labor.

unfair competition of slave labor. And, as the slav settlements established on the great estates grew, th villages of freemen disappeared, thus diminishing th material for the legions, and driving into Rome the dreg of the free population who, with votes to sell, becam the clients of the millionaires.

Two stages of disintegration.

The first stage in that process of disintegration marked by the natural expansion of Rome over Italy the second, by the sudden conquest of the Mediterranea Basin completed by the fall of Carthage, 146 B.C. Aft reviewing the history of such expansion down to th point a leading authority has said:

Origin of Roman imperialism.

> It was during this slow decomposition of the military, ag cultural, and aristocratic society, which began after Rome h won the supreme power in the Mediterranean, and through t working of the forces of commerce and capitalism, that Roma Imperialism, as we know it, was called into being.[59]

Expansion drew the line between *optimates* and *populares.*

Thus it was that expansion through military conque drew the line at Rome between the over-rich and powe ful few and the destitute many — variously described a the rich and poor; the *optimates,* the best, and t *populares,* the people; the possessors and the non-po sessors. At the head of the *optimates,* with their gro ing estates and swelling millions, backed by vast politic and judicial powers, stood the senatorial oligarch

[59] Ferrero, vol. i, p. 38.

gainst that array stood the people who, still be-
ving in the gods, were steadfast in their resolve to
eserve what remained of the ancient constitution by
ving from annihilation the old independent yeomanry
ıo had composed the legions by whose valor the Empire
d been built up, by regaining the public lands unlaw-
lly in possession of the monopolists, by restoring the
rity of elections, and by reëstablishing the simple
bits of life that had prevailed in earlier times.[60]

The first champion of the great proletarian rising of
e oppressed thousands throughout Italy was Tiberius
acchus, born of a plebeian family whose ancestors had
ld for several generations the highest offices in the
epublic. In his father's house he was trained under
e most famous Greek philosophers of the day; and
ere he had heard the lamentations of notable statesmen
ıo were seeking some reform that would avert the chaos
reatened by the social and military decadence. On his
turn from military service in Spain, where he had wit-
ssed the rapid disintegration of the army, he passed
rough Tuscany where he saw the great estate system
full operation — the free citizens of the Republic being
st aside as aliens in their own country by slave-gangs
ltivating the fields of landlords whose domains had
t even been fairly purchased.

Tiberius Gracchus first champion of proletariat.

Thus inflamed, the young and sanguine reformer re-
ed the long-forgotten agrarian agitation with the hope
removing the distress at Rome and of arresting the
:ay of the army. His contention was that the dying
ıntry towns of Italy would be revived, and the whole
ıitary problem solved at a blow, if the state lands
ıld only be recovered and then divided into small hold-

His scheme of reform.

[60] Froude, *Caesar*, pp. 21–24.

ings, upon which the distressed poor of Rome and Latium could be settled as peasant proprietors. He said to the people: "You are called 'lords of the earth' without possessing a single clod to call your own." Such a cause backed by such eloquence, easily lifted Tiberius into the tribuneship for the year 133,[61] where he proposed that the state should resume all of the "common land" now occupied by authorized persons and in compliance with the Licinian law.[62]

Made tribune in 133 B.C.

When the landlords discovered that they could not count even upon the solid support of the Senate they attempted to prevent an adverse vote in the assembly by inducing a colleague of Tiberius to interpose his tribunician veto. Thus thwarted, the impetuous reformer called upon the people to depose his colleague in defiance of the constitution, and then to pass the bill, despite the veto, which they did. When he took the second illegal step by offering himself to the *comitia* for reelection the Forum became the scene of violence and bloodshed in which Tiberius perished with many of his friends.[63] But even such a catastrophe did not prevent the three commissioners appointed under the land bill, one of them the only brother of Tiberius, from prosecuting their task. They made their way through Cisalpine Gaul and the south of Italy delimiting and distributing the public lands;[64] and in that way, it is said, that within two years forty thousand families were settled on various parts of the *ager publicus* which the patricians had been compelled to resign.

His illegal acts brought about his death.

Land commission.

[61] Lange, *R. A.*, vol. iii, p. 7; Plut., *Tib. Gr.*, 9.

[62] Plut., *T. Gr.*, 9–14; Appian, *B.C.*, i, 9–13; Liv., *Epit.*, lviii; Cic. *De Leg. Agr.*, ii, 31; Mommsen, *R. G.*, vol. ii, pp. 68 *sq.*

[63] Cf. Meyer, *U. G. G.*, pp. 24ff.

[64] Barnabei, in *Notizie degli scavi*, March, 1897; Ferrero, vol. i, p. 48.

The leadership of the popular movement inaugurated Tiberius through gross illegality, resulting in his own th and that of many others, passed into far stronger ds when his brother Caius, one of the three land commissioners, was elected tribune of the people for the r 123 B.C.[65] During the ten years that had passed by e his brother's election to that office Caius, who was superior both in character and intellect, had devoted self to reading, and, as Cicero tells us, to the cultion of his oratorical style:

Caius Gracchus tribune, 123 B.C.

> His language was noble; his sentiments manly and judicious; his whole manner great and striking. He wanted nothing the finishing touch: for though his first attempts were as ent as they were numerous, he did not live to complete them. hort, my Brutus, he, if anyone, should be carefully studied e Roman youth; for he is able, not only to sharpen, but to h and ripen their talents.[66]

Cicero's sketch of him.

Thus equipped, the new tribune, who had been schooled dversity, and admonished by his brother's failure ugh his reliance for support on one section only of community, understood perfectly that the combina- against him, consisting of "a small and exclusive rchy of landlords and traders, bankers and conces- hunters, artisans, adventurers, and loafers,"[67] could be overcome unless he could formulate such a pro- as would appeal to the self-interest of many con- ents. With that idea in his mind, Caius, as the ved enemy of the Senate, threatened its control of dministration by proposing to restrict its freedom ction in assigning the provinces;[68] by taking out of

His scheme of reform.

[65] Plut., *C. Gr.*, 3.
[66] *Brut.*, xxxiii, 125.
[67] Ferrero, vol. i, p. 51.
[68] *Lex Sempronia de provinciis consularibus; Pro Domo Sua*, 9; Cicero, *De Provinciis Consularibus*, 2, 7.

its hands the control of the recently established court f
the trial of cases of magisterial misgovernment in t
provinces;[69] and by declaring the summary punishme
of Roman citizens by the consuls on the strength
a *senatus consultum* to be a violation of the law
appeal.[70]

He conciliated the poor by proposing a law providi
that every Roman citizen, on personal application, shou
be given corn from the public granaries at half or le
than half of the market price;[71] and, as a further mea
Poor-relief. ure of poor-relief, after establishing new colonies in Ital
Established citizen colony. he founded the first citizen colony established by t
Romans outside of Italy by sending six thousand settle
Italians as well as Romans, to the site of Carthag
founding there a colony called Junonia.[72] But last a
most important of all, his master stroke was embodi
in a proposal, suggested by Flaccus, to make the Rom
Extension of Roman citizenship. Empire into an Italian Empire by conferring the righ
of Roman citizenship upon all the Italians,[73] thus maki
the entire population of the peninsula copartners wi
the Romans in the benefits and responsibilities of powe

The argument in favor of that proposal had becon
irresistible:

> That the world and Italy besides should continue subject to
> population of a single city, of its limited Latin environs, and o
> handful of townships exceptionally favored, might even then
> seen to be plainly impossible. The Italians were Romans in ev
> point, except in the possession of the franchise. They spoke
> same language; they were subjects of the same dominion. Th

[69] *Questio de Repetundis, est 149 B.C.* Cf. Plut., *C. Gr.*, 5; Tacit
Annals, xii, 60; Liv., *Epit.*, lx.
[70] *Pro Domo*, xxxi; *Pro Rab. Perd.*, iv; Plut., *C. Gr.*, iv.
[71] App., *B. C.*, i, 21; Liv., *Epit.*, lx; Festus, 290; Plut., *C. Gr.*, v.
[72] Plut., *C. Gr.*, 9. Cf. Callegari, *L. S. C.*, 99.
[73] App., *B. C.*, i, 23; *Brut.*, xxvi, 19; Velleius, ii, 6; Plut., *C. Gr.*, v.

re as well educated, they were as wealthy, they were as capable he inhabitants of the dominant state.[74]

But splendid as was that conception of a vigorous and ted Italian nation, resting upon the manhood of the ire population of the peninsula and not upon that of nunicipal oligarchy, it was not yet to be realized. It s unacceptable for the moment to so many interests as wreck Caius' popularity to such an extent as to make ny assert that he was not actually rechosen at the elec- ns for 121 B.C. In the midst of the bitterness aroused inst him by the senatorial party, he summoned a meet- at the close of his second tribunate and attempted to ak. But a conflict between the factions ensued, ending a riot in which Caius and thousands of his adherents re massacred.[75]

Premature vision of an Italian nation.

Caius' violent death.

The tragic parts played by the Gracchi so aroused the letarian spirit of the new Italy as to make a revival the popular cause under a new leadership inevitable. the graphic words of Mirabeau: "The mother of the acchi cast the dust of her murdered sons into the air, out of it sprang Caius Marius." Fifty-one years ore Cicero saw the light at Arpinum, Marius was n there on the farm of his father, who was either a sant or an obscure knight.[76] At an early age he gave the plough to join the army, and shortly after the rder of Caius Gracchus he was chosen to the tribu- e, a position in which he did not hesitate to criticize is own way both the proletariat and the aristocracy.[77] e seemed as if made of a block of hard Roman oak,

Revival of the popular cause under Marius.

Chosen tribune, 120 B.C.

[74] Froude, *Caesar*, p. 50.

[75] "Thus perished one of the four founders of the Roman Empire, and ps the most far-seeing statesman Rome ever produced." — Ferrero, , p. 57.

[76] Cf. Madvig, *K. P. S.*, p. 525.

[77] Neumann, *G. R. V.*, p. 261.

gnarled and knotted, but sound in all its fibres."[78] His first great success as a general was won in the war w Jugurtha, which he brought to a close in 106 B.C.—a v in which a young nobleman named Sulla fought under h

The passions which had been smoldering for a gene tion among the middle classes, the proletariat, and capitalists now broke into flame against the aristocra lifting Marius in triumph to the consulship for the f time in the election campaign of 107 B.C. Just before t event he had become a person of social considerat through a marriage into a noble but not particularly ill trious family,[79] that of Caius Julius Caesar, who married Marcia, the mother of Caius Julius, Sex Julius, and a daughter named Julia, who became the w of Marius. Caius Julius, the father of the great Caes had married Aurelia, a member perhaps of the consu family of the Cottas.

Consul in 107 B.C.

Married the aunt of Caesar.

Before leaving for Africa to take away the comma of the Numidian war from Metellus, Marius undert to remodel the army by extending the levy to poor n not inscribed in any of the five classes of landowners, a who therefore had no right to bear arms under the anci constitution.[80] Instead of attempting as the Gracchi to revive the strength of the old yeoman class, the o inal source of the legions, heretofore no more th citizens temporarily in arms, he provided professio soldiers by raising his levies from among the poor town and country — an innovation that resulted in mom tous changes in political and military organization.[81]

Marius remodeled the army.

Drew professional soldiers from the poor.

[78] Froude, *Caesar*, p. 38.

[79] Pauly, *R. E.*, vol. iv, p. 1557.

[80] Sall., *B. J.*, 86; Aul. Gell., xvi, 10, 14.

[81] Cf. E. Baroni, *I grandi capitani sino alla Rivoluzione Franc* Turin, 1898; "Annibale," 32ff.; Ferrero, vol. i, p. 66.

Out of materials thus gathered by such methods such army was formed as no other Roman general had er commanded; and the change came just in time to able Marius, now the hero of the *populares,* to turn ck the tide of invasion headed by the Teutons and mbri, two mighty nations of "horrible barbarians," ıo came as the vanguard of that great German folk-ındering destined to change the face and the history Europe. In the decisive victory won at Vercellae, 1 B.C., Marius settled the fact that Gaul was to be a ovince of Rome and not the prey of the Germans. ly was saved by legionaries who, while still citizens, re also professional soldiers, armed with the double wer of the hustings and the sword. The change did t however disturb the old law prohibiting standing nies in Italy; victorious generals returning from abroad re still required to disband their legions before entering her sacred soil.

Made Gaul a Roman province.

The menace of the Germanic invasion was scarcely r before Rome was torn from within by what is known the Social or Italian war, arising out of the demand enfranchisement upon the part of the Latins and lians whose just cause had been so earnestly espoused Caius Gracchus. Now when the old political organi-ion of the separate districts had lost all real meaning, v when the intellectual and economic unification of ly was gradually breaking down all distinctions be-en Romans, Latins, and allies, the jealous and exclu-oligarchy at Rome was startled by a movement that spread far and wide through the peninsula. When ius Drusus,[82] an ambitious and popular young aristo-

Social or Italian war.

Drusus elected tribune, 91 B.C.

[82] Cicero claimed him as a member of that party to which he himself ged. — *De Orat.,* i, 25, and *Pro Domo,* 16. See also Appian, *B. C.,* 3; Diod. Sic., xxxvii, 10.

crat, elected tribune of the people in the year 91 B.C., tempted to isolate the moneyed interests by an allia between the aristocracy and the popular party, he brou forward a number of laws designed to please the *po lares*, and among them a law depriving the knights their powers in the law courts, and another making long-delayed concession of the franchise to the Italian

His proposals.

The first proposal excited the equestrian order and th friends in the Senate to fury; the second was represen as evidence of complicity with a widespread conspir against the very life of the city-state.

His assassination precipitated the conflict.

At such a moment the flame of civil war was ligh when Drusus was struck down by an unknown assas At that signal men rushed to arms in the cause of uni Italy; throughout the highlands of the central and sou ern districts the Italian people rose as one man.[84] Af a bitter struggle the Italians triumphed through a co promise by which practically all the freemen south the Po were made equal in civil and political right

Number of burgesses more than doubled.

By that great stroke of policy the number of the Rom burgesses was more than doubled through the wholes enfranchisement of Latin and Italian allies. The cen for the year 70 B.C. gives the number of citizens 900,000, as against 394,336 about a generation bef the war.[86]

[83] For the provisions of the *leges Liviae*, see App., *B. C.*, i, 35; *Epit.*, lxxi; Pliny, *N. H.*, xxxiii, 3. Cf. also Lange, *R. A.*, vol. iii, p. Neumann, *G. R. V.*, pp. 450ff.

[84] As to the Social War, see Kiene, *D. Römische Bundesgenossenkr* Leipzig, 1845.

[85] In 89 B.C. two tribunes proposed the *lex Plautia Papiria*, under wh any citizen of an allied town domiciled in Italy could obtain the right Roman citizenship on making a declaration within sixty days to the pra at Rome.

[86] See the interesting table showing the number of Roman citizens different periods of the Republic and the Empire, in Meyers, *An History*, p. 492.

During the seven years that intervened between the
d of the Social War (89 B.C.) and the beginning of
e dictatorship of Sulla (82 B.C.) occurred the death
apple between the popular party, headed by Marius,
e self-made man of the people, and the senatorial party,
aded by the patrician Sulla, resulting in the complete
umph of the latter. The harrowing military details
e not important to the constitutional historian who sees,
the midst of the strife that spread from the Forum to
aly and from Italy to the provinces, the integrity of
e Empire threatened for the first time by rival gov-
nors, and all regular government, whether by Senate
Assembly, suspended while the rival factions fought
t their quarrels under generals willing to lead their
gions not only against their fellow-citizens but against
e established authorities of the state itself. When in
B.C. Marius, aided by Cinna, cut off Rome's food
pply and starved her into submission, he marked his
umph by a massacre of the aristocrats, including their
presentative, the consul Cnaeus Octavius, whose head,
head of a consul, was exposed to public gaze in front
the Rostra. Before the younger Marius took the
d in the spring of 82 B.C., he committed to the praetor
masippus the bloody task of executing a number of
aristocracy,[87] including the eminent jurist, Q. Mucius
evola, pontifex maximus, who seems to have been cut
wn before the very image of Vesta, into whose sanctu-
he had fled from his official residence, the Regia,
rby.[88] Under such conditions it was that Sulla, at the
l of the Mithridatic war, wrote to the Senate that he
uld soon arrive at Rome to take vengeance on the
rian party, his enemies and those of the Republic.

Death grapple between Marius and Sulla.

All regular government suspended.

Head of a consul exposed on the Rostra.

Execution of the pontifex maximus.

[87] Lange, vol. iii, p. 145. [88] Cicero, *De Natura Deorum*, iii, 32.

Returning from the East laden with the gold of Mith ridates, the spoils of Greek temples, and the books Aristotle, seized in the library of Apellicon at Athen

Sulla leader of reactionaries, 82 B.C.

Sulla, whose career had been rather military than poli ical, was suddenly called to the leadership of the co servative reactionaries. Among those who came to hi

Pompey the Great.

were Pompey, destined to be known as Pompey the Grea who having been born in the same year with Cicero wa

Crassus. Catiline.

now twenty-three, and Lucius Sergius Catiline, a ruine spendthrift, stained with every crime, but of ancient ar aristocratic lineage. To his list of parasites, compose of a crowd of adventurers as shameless and unscrupulou as himself, must be added the aristocratic financier, Luci Crassus, the representative of a class that piled u enormous riches by buying up cheap the goods of th proscribed.

Sulla appointed dictator.

Despite the fact that no dictator had been appointe since the war with Hannibal, such power never havi been previously conferred for more than six month Sulla demanded of the Senate the office of dictator during his own good pleasure, which carried with it n only the power of life and death over every citizen, b plenary power for the reform of the constitution. Th armed he outlawed every magistrate and every pub servant who had held any kind of an office under Cinn

His proscription.

ordering at the same time the proscription of all perso of wealth and consequence everywhere in Italy who h belonged to the liberal party. According to one accou the number of proscribed actually put to death number

Young Caius Julius in danger.

nearly 5,000. Among those thus put in jeopardy w the young son of that Caius Julius Caesar, whose sist

[89] The *lex Valeria* granting him the office was passed without opposit Cf. App., i, 98; Plut., *Sulla*, xxxiii; Cic., *Ad Att.*, ix, 15; *De Leg.*, i, 15.

arius had married, now in double peril because, apart
m being a nephew of Marius, he had married Cor-
ia, the daughter of Cinna.

When the dictator commanded him to divorce her,
esar refused to obey, preferring to sacrifice his own
l his wife's patrimony, and to leave the city at the
minent risk of proscription. Sulla was induced, how-
r, shortly afterward, through the intervention of rela-
es, to give him a free pardon.[90] That act of grace
l favor, grudgingly extended to Caius Julius then only
hteen, was attended by another of even wider signifi-
ce. Sulla reassured the Italians by declaring that he
uld not attack the great measure of Italian emanci-
ion — that he accepted it as an accomplished fact.[91]
us in the midst of the gravest political confusion a
eat historic process was quietly completed.

Italian emancipation accepted by Sulla.

The old Italy, the Italy of Oscans, Sabellians, Umbrians, Latins,
uscans, Greeks, and Gauls had disappeared into the past. In
ce of a number of small federal republics, there was now a
gle Italian nation, with an agriculture, a commerce, an army, a
lization, and culture of its own, welded together into a solid
compact middle class out of a medley of human units from all
ts of the peninsula who had been thrown together, in close and
mate relations, by the tie of a common ambition, by fellowship
tudy, in commerce, or in arms.[92]

Such were the circumstances under which Sulla under-
ok to restore order and to rebuild the machinery
civil government, so modified as to meet altered
nditions, in a state torn by class hatreds and dis-
rted by the passions of civil war. It has been said

Sulla's constitution.

Suetonius, *Caesar*, i; Plut., *Caes.*, i.

The threat to deprive of the franchise several communities which had
d Cinna was not carried out. — *Pro Domo*, 30; *Pro Caecina*, 33, 35.

Ferrero, vol. i, pp. 104, 105.

that his task involved not so much the remaking of constitution as the organization of a gigantic system police, necessary at that moment for the preservat of the Empire and the whole of ancient civili tion from the destruction threatened by the desper revolt of the oppressed thousands of Italy and Asia

In the presence of such an opportunity Sulla, inste of aiming at the regeneration of the state as a whc viewed his success simply as a party triumph which attempted to secure by restoring and increasing powers of the Senate, reduced to almost a nullity recent revolutions, and at the same time by diminishi the powers of the tribunate,[93] whose steady encroachme through centuries had made it the most important all magistracies. In the execution of that plan he nea doubled, out of the patrician order, the number of senators. From that time onward the Senate appe to have embraced between five and six hundred membe vacancies being supplied as before from the retiring c suls, praetors, aediles, and quaestors.[94] Therefore, order to guard against popular favorites finding in t way too easy a road to the Senate through elections was provided that no one who had been a tribune of people could thereafter be elected to any other offic The dignity and safety of the peers for life t arranged in a single chamber he protected by a gu provided by the enfranchisement of ten thousand sla who had been owned by the families of the p scribed.[96]

Increased powers of Senate reduced those of tribunate.

Tribune ineligible to reelection.

Senatorial guard provided.

[93] *De Leg.*, iii, 22: "Injuriae faciendae potestatem ademit, auxilii fer reliquit." See also Cicero, *In Verrem*, i, 60.

[94] Cf. Greenidge, p. 266.

[95] *Pro Cornel.*, fr. 78; Ascon., *In Corn.*, 78; App., i, 100.

[96] Lange, *R. A.*, vol. iii, pp. 144ff.; Cantalupi, *M. S.*, pp. 110ff.

But more important still was the provision designed withdraw from the popular assembly the ancient and vereign right to initiate and control legislation. So ng as the citizens at the invitation of consul or tribune uld exercise such a power, any changes the Dictator ght make could be instantly set aside. It was there- re ordained that no measure was to be presented to any sembly of the people by a tribune without the approval the Senate given beforehand, the power of the college tribunes being still further diminished by the imposi- n of a heavy fine for the abuse by a tribune of the ght of intercession. While the tribunes still retained eir right of veto, a penalty was attached to the abuse it, the Senate having even the right to depose a bune.[97]

No measure to be presented by a tribune without senatorial assent.

In order to prevent the people from installing in office second Marius, seven times consul, it was decreed that one should hold the consulship for two successive ars,[98] and further that no one should have the right stand for the consulship who had not previously held e offices of quaestor and praetor.[99] A quaestor must thirty, a praetor forty, and a consul forty-three years age. And in order to render the magistrates still more pendent on the Senate by enlarging their number and viding their authority, the number of praetors was creased from six to eight,[100] and of quaestors to enty.[101] The pontifical and augural colleges were also aced in the hands of the senatorial aristocracy through

No consul to succeed himself.

Praetors increased to eight, quaestors to twenty.

[97] As to Sulla's treatment of the tribunes, see Sunden, *De tribunicia estate a L. Sulla imminuta quaestiones,* Upsala, 1897.

[98] App., *B. C.,* i, 100.

[99] He thus legalized a custom. Cf. Liv., xxxii, 7; App., i, 100.

[100] Pompon., *De Orig. Juris* (*Dig.,* i, 2, 2); Velleius, ii, 89.

[101] Tac., *Ann.,* xi, 22; Madvig, *Verfassung und Verwaltung des röm. ates,* vol. ii, p. 441.

a provision requiring vacancies in their ranks to be fille by cooptation as before the *lex Domitia.*[102]

Control of criminal justice restored to Senate.

But last, and perhaps most important of all, the co trol of the administration of criminal justice *(quaestion perpetuae)* was taken away from the equestrian ord and restored to the Senate. So corrupt had the senato become in the discharge of their judicial functions th Caius Gracchus had disqualified them from sitting in t law courts by a provision requiring the judges to be chos thereafter from the *equites,* who had been so exceptio

Cicero's tribute to the *equites.*

ally pure that on the trial of Verres Cicero challeng his opponents to point out a single instance in whi an equestrian court had given a corrupt judgme during the forty years in which they had possessed t privilege.[103]

Sulla, who never courted popular favor, abolished t public distribution of corn whereby the city had be filled with idle vagabonds. By breaking down the i fluence of the two new powers in the state, the midd class and the equestrian order, the Dictator hoped reëstablish, with slight modifications, the old aristocra constitution, existing at the time of the first Punic Wa when Italian society was distinctively aristocratic, ag cultural, and military. His reorganization of the sta proceeded on the lines foreshadowed by Rutilius Ruf

Assembly shorn of legislative power.

and his aristocratic followers, whose program, with few exceptions, was put into execution. Thus the pop lar party was crushed; and its scheme of reform, embodied in the proposals of the Gracchi, annihilate The assembly of the people, shorn of its ancie legislative power, had no excuse for meeting save

[102] Dion. Cass., xxxvii, 37; Liv., *Epit.,* lxxxix.

[103] On the other hand, Appian says (*De Bello Civili,* i, 22) that courts of the *equites* had been more corrupt than the senatorial cou

cial occasions, and then only at the Senate's invi-
ion.

Who can tell why it was the proud, masterful, cynical
stocrat, with an inordinate love of sensual pleasure,
tal and yet without any great depth of passion—
led in Mommsen's happy phrase, the "Don Juan of
itics"—should have abdicated his supreme office in B.C. at a moment when he seemed to have nothing to r? Certain it is that his death, which occurred at the inning of the next year, was followed by the rapid disegration of the fabric he had so carefully constructed. fore the end of ten years his so-called constitution had ken down utterly in almost every part. All that Sulla behind him was "the type of the military chief at head of a devoted army which he controls by his ney and his sword." That "type of the military f" broods like an evil spirit over the thirty-four years t intervene between Sulla's death and the Ides of rch—

Abdication of Sulla, 79 B.C.

All he left behind him was a new type of military despot.

. . critical years in which Roman imperialism definitely assed its sway over the civilized world; when, by the conversion of Mediterranean into an Italian lake, Italy entered upon her bric task as intermediary between the Hellenised East and barus Europe.[104]

Of the Roman constitution at this critical stage of its elopment, a consummate critic has said:

Greenidge's summary.

The Roman constitution has lost none of its complexity by rth. The accretions of age had changed a curious but comtively simple type of polity into a jumble of constitutional and custom, through which even the keen eye of the Roman t could not pierce, and which even his capacity for fictitious pretation and invention of compromises could not reduce to

[104] Ferrero, vol. i, pp. 105, v.

a system. The lack of logic, which is the usual accompanin of a conservatism not thoroughgoing enough to be consist produced a machine the results of which appeared for a tim be eminently satisfactory. It conquered the world, and succe for a time in governing it with some show of decency and a measure of success. Had the equilibrium been maintained practice as in theory, mixed constitutions would have had most assured claim to the respect and acceptance of the wo But as the knots which the jurist could not untie were cut by sword, and the constitution reverted to a type far simpler than that of its origin, we must assume a weakness in the m system which might not have rendered it inadequate as the ernment of a city-state or even of Italy, but certainly rendere incapable of imperial rule.[105]

And yet no matter what its faults may have been, of unwritten and slowly developed constitution of the Ro Republic we may say not only that the people have m it, but that the people have lived it, for it is little m than their life and history epitomized.

[105] Greenidge, p. 146.

CHAPTER VI

CICERO AS LEADER OF THE ROMAN BAR

WITH the foregoing sketch of the Roman political
d judicial systems clearly in view it will be easier to
llow the career of the well-trained young advocate
ıo, in his twenty-sixth year,[1] undertook his first re-
rded case, the defense of Publius Quinctius in a civil
oceeding before a *judex* or referee, C. Aquilius, ap-
inted by the *praetor urbanus* according to the course
Roman law.[2]

Defense of Publius Quinctius, Cicero's first recorded case.

In order to facilitate an understanding of Roman legal
ocedure it may not be amiss to say that when a civil
t was commenced, the litigants appeared before the
aetor who made a preliminary examination in order
ascertain the precise points in controversy. After
aring the statements and counterstatements of plaintiff
d defendant, he constructed a brief technical outline of
e disputed issues, called a *formula*. That formula was
en put into the hands of a *judex* (more like a referee
a jury of one than a modern presiding judge), who,
er hearing the evidence of the witnesses and the argu-
nts of the advocates, returned his decisive judgment to
e praetor who appointed him.

Formula and *judex*.

The entire proceeding thus carried on by the praetor,
dex,[3] and advocates was under the intellectual guidance
the jurisconsults, the makers of the scientific law lit-
ature of Rome, who were regarded as law experts,

Jurisconsults as intellectual guides.

[1] Gell., xv, 28.
[2] F. L. Keller, *Semestria*, i, I.
[3] As to the "Theory of Civil Procedure at Rome; the Magistrate and Judex," see Greenidge, *The Legal Procedure of Cicero's Time*, pp. 15–47.

and respected and resorted to as such by all concerned
the administration of justice. Primarily, the praetor w
a great statesman or politician whose final function w
to enforce the law; the *judex,* or as we should now c
him, the referee, might have no technical knowledge
law whatever.[4] Under such conditions the unlearn
judicial magistrates naturally looked for light and lea
ing to the jurisconsults who instructed them through th

Responsa prudentium.

responsa prudentium, the technical name given to th
opinions as experts, which were promptly recorded
tablets by their students or disciples. We know enou
of the part played by Cicero in the proceeding befo
the *judex,* or referee, in the case in question, to say th

Induced to appear by the actor Roscius.

he was induced to appear in it by no less a person th
the advocate's instructor in elocution, the famous act
Roscius, the brother-in-law of the defendant Publius Qui
tius, who was the heir of his brother Caius Quincti
Caius had died in the Roman province in southern Fran
with debts remaining of obligations payable to c
Naevius, with whom he was jointly possessed of certa
lands in the province mentioned. Naevius had promp
secured in the time of Cinna a judgment from the prae
Burrienus giving him the estate of the absent Quincti
In the preliminary case in question *(causa praejudicial*
the main point in controversy (τὸ κρινόμενον) was whet
Quinctius must give security guaranteeing the payment
the judgment in the main case in the event he should
the loser.

Hortensius.

Cicero, who had as an antagonist the great advoc
Hortensius, complained that although he was for
defendant he was forced to plead first. In ridicul
certain statements made by the other side as to the sw

[4] Cf. the author's *Science of Jurisprudence,* pp. 89 *sq.*

ss with which the praetor's decree had been carried
om Rome to southern France, Cicero said:

Extracts from Cicero's speech.

What an incredible thing! What inconsiderate greed! What vinged messenger! The aids and satellites leave Rome, cross Alps, and arrive in this country of the Segusiavi in two days. hat a fortunate man is he who has such fleet messengers or her Pegasuses!

It was in this speech that he said:

If fortune or another's crime has deprived us of our wealth, so long as our reputation is untarnished, our character will isole us for our poverty. . . . . No honest man desires to cause death of a fellow-man, even by lawful means; he prefers ays to remember that, when he could have destroyed, he red, rather than that when he could have spared, he destroyed.

In his twenty-seventh year, about the age at which emosthenes made his beginning as a public prosecutor, cero appeared in the Forum for the first time in a blic or state trial for life and death under the criminal v, before a tribunal whose procedure was utterly unlike at of the *praetor urbanus* in the civil proceeding against inctius. In the sketch heretofore drawn of the Roman nstitution an attempt was made to indicate the nature the criminal courts constituted by the king, such as *duumviri perduellionis* and the *quaestores parricidii*, mposed of delegates or commissioners *(quaestores)* appointed at first for particular cases, and afterward for rticular classes of cases. The king—

Roman criminal courts.

Duumviri perduellionis and *quaestores parricidii.*

. . . specified the crime under which the accused was to be d, and the penalty to be inflicted, but left the finding of the s to his delegates. Two such classes of delegates are attributed to the regal period, the *duumvirii perduellionis* and the *estores parricidii.*[5]

Greenidge, *Roman Public Life,* p. 63, citing "Liv., i, 26; Zonaras, vii, . . . Mommsen (*Staatsr.,* vol. ii, pp. 523 *sq.*) thinks the financial

Quaestiones perpetuae.

There was a great lack of criminal courts at Ro before the institution of the *quaestiones perpetuae.*[6] T series of statutes by which they were instituted for trial of particular classes of crimes wherever committ beginning with the *lex Calpurnia de Repetundis,* 149 B continued until a number of courses of conduct had b from time to time branded as criminal.[7] Each stand commission was established by a special law,[8] and c sisted of a praetor chosen annually, assisted at times as many as 100 *judices,* who were summoned for e

Foundations of Roman criminal law laid in 149 B.C.

particular case. The foundations of Roman criminal l were really laid when the judicial procedure, first est lished in 149 B.C. for the trial of cases of magister extortion in the provinces, and applied between 149 B and 81 B.C. to cases of treason and bribery, was so tended by Sulla as to bring under it the chief crimi offenses.[9] Reference has been made already to the mo of Caius Gracchus to take out of the hands of the Sen the control of the freshly established court for the tr of cases of magisterial misgovernment in the provinces

Personnel of the permanent commissions.

These permanent commissions *(questiones perpetua* with jurisdiction over crimes of a political nature, w in future to be composed of knights instead of senato After that great power of control of the criminal cou

quaestors as standing officials originated with the Republic; but he lieves (p. 539) that they had their origin in the criminal *quaestores* word which bears the same relation to *quaesitores* as *sartor* to *sarcitor quaero* to *quaesivi,* p. 537). Cf. Tac., *Ann.,* xi, 22 (p. 81); Ulpian *Dig.,* i, 13."

[6] See above, p. 94.

[7] Cf. Maine, ch. v.

[8] Greenidge, *The Legal Procedure of Cicero's Time,* p. 417.

[9] Cf. Mommsen, vol. ii, p. 359; Rein, *Criminal-Recht;* Zumpt, *Crimi Prozess d. Römer.*

[10] The creation of the standing criminal courts (*quaestiones perpetu* with their presidents and juries, was the reaction of the provinces Rome. — Greenidge, p. 183.

d remained in the equestrian order for more than rty years, it was taken away by Sulla and restored to e Senate.[11] It is a false and misleading analogy to eak of the *judices,* the judges, who composed these ected popular assemblies, whether consisting of sena- rs or *equites,* and numbering at times 100, as jurors. is far more accurate to say that such a court was like at of the lord high steward when he had the right to nstitute his court for the trial of a peer by summoning ly such members of the peerage as he might see fit to ect.

Such was the nature of the criminal court composed of *dices* taken from the senatorial aristocracy before which cero appeared in the year 80 B.C., when he undertook defend Sextus Roscius of Ameria, who was accused murdering his father, a man of considerable wealth, uck down at night near the Palatine baths during a ort stay at Rome. The son was at home, fifty-six les away, at the time, and there was not a particle of oof that he had ever seen or communicated with the assins who were really unknown. There was nothing suspicion, such as it was, that rested upon the sug- tion that the father disliked the son, and that he had e threatened to disinherit him. The probabilities all nted to hostile relatives living at Ameria, to one of om, Titus Roscius Capito, news of the tragedy was ught by one of his freedmen at daylight the next rning.

Cicero's defense of Roscius of Ameria.

t seems to be clear that the assassination was planned n executed by those kinsmen under some pact with ysogonus, the favorite freedman of Sulla, under

Chrysogonus, favorite freedman of Sulla.

[11] On *repetundarum* (trials and statutes), see Mommsen, *Strafrecht,* 07 *sq.*

which he was to share with them in the estate of th murdered man. A necessary part of the plot was t remove the heir by charging him with parricide. Th danger lay, not in the nature of the flimsy accusation, b in the character of the prosecutor and of the tribuna dominated as it was by Sulla's partisans and friends.

Under such circumstances, when a severe sentenc might add to the prestige of the freshly organized court Cicero deemed it incumbent upon him to do his utmo to establish the innocence of his client and to expos Chrysogonus without attaching blame to Sulla in an way. In separating the hireling from the master h said:

Hireling separated from the master.

All these things, O judges, I surely know are done witho the knowledge of L. Sulla, and no wonder, since he at the sam time both remedies what has gone by, and organizes those thin which seem to be on the threshold of the future, when he alo has the power of settling the system of peace and of waging war when everyone looks to him only, when he alone directs ever thing. When he is distracted with so many and so great affai that he cannot breathe freely, (it is no wonder then) if there something which escapes his attention, particularly when so ma men watch his engagements and seize the opportunity like bir catchers, so that the moment he has looked away, they plot som thing of this kind.

In this speech he said:

Solon, when asked why he had not appointed any penalty f parricide, replied that he had not thought any man capable of t crime.

The court was not convinced that there had been an exception to that rule in this case. The rising youn advocate, by winning a victory that reminds us o Erskine's triumph in Hatfield's case, cleared the reput

Awoke and found himself famous.

n of his injured client, and recovered his property
r him. He awoke and found himself famous! As he
ls us himself in his later years,

> y defense of Sextus Roscius, which was the first cause I pleaded,
> t with such a favourable reception that, from that moment, I
> s looked upon as an advocate of the first class, and equal to the
> atest and most important causes; and after this I pleaded many
> ers, which I pre-composed with all the care and accuracy of
> ich I was master.[12]

First two cases important because they illustrate both civil and criminal procedure.

The two cases in which Cicero began his career as a
ember of the Roman bar have been thus emphasized,
t so much on account of their intrinsic importance as
reason of the line they draw between the constitutions
the civil and criminal tribunals, the scenes of all his
rlier triumphs. His extant orations were addressed
her to the courts, consisting of one or more members
rusted with the administration of the laws; to the
nate; or to the whole body of the people convoked in
eir public assemblies. It will therefore be convenient
catalogue all (except fragments) that belong to the
st class, because they alone are relevant to this branch
the subject.

Catalogue of speeches before the courts.

Pro P. Quinctio. 81 B.C.

B.C. 81. *Pro P. Quinctio:* Defense of Quinctius
fore a *judex* in a suit by Sex. Naevius to recover the
ofits of a partnership in certain lands in Gaul, inher-
d from his brother C. Quinctius.[12a]

Pro Roscio Amerino, 80 B.C.

B.C. 80. *Pro Sex. Roscio Amerino:* Defense of Ros-
s on a charge of parricide presented by Erucius as
ofessional prosecutor, at the instigation of Chryso-
nus.

[12] *Brut.,* xc.

[12a] For elaborate examinations of Cicero's speeches for Quinctius, Roscius
actor, Tullius, and Caecina, see Greenidge, *The Legal Procedure of
ro's Time,* Appendix ii, pp. 531–68.

Pro Roscio Comoedo, 76 (?) B.C.

B.C. 76 (?). *Pro Q. Roscio Comoedo:* Defense o Roscius the actor against the claim of C. Fannius Chaere to half the profits of certain lands taken as the value of slave owned in partnership, and killed by C. Flavius.

Pro M. Tullio, 72 (or 71) B.C.

B.C. 72 (or 71). *Pro M. Tullio:* Suit for damage for an assault made by a rival claimant on the estate o Tullius.

In Caecilium, 70 B.C.

B.C. 70. *In Caecilium* ("Divinatio"): Preliminar argument on the technical right of Cicero to conduct th prosecution against Verres.

In C. Verrem, six orations, 70 B.C.

B.C. 70. *In C. Verrem:* Prosecuted for oppressio and plunder in Sicily. Six orations. (1) The gener charge *("Actio Prima");* (2) *De Praetura Urbana* earlier political crimes of Verres; (3) *De Jurisdictio Siciliana:* his Sicilian administration; (4) *De Frumento* fraud and peculation as to supplies of grain; (5) *D Signis:* the taking of works of art; (6) *De Supplicii* cruelties of his government.

Pro M. Fonteio, 69 B.C.

B.C. 69. *Pro M. Fonteio:* Defense of Fonteius, a cused of extortion and corruption in Gaul during Pom pey's campaign against Sertorius, about B.C. 75.

Pro A. Caecina, 69 B.C.

B.C. 69. *Pro A. Caecina:* Defense against Aebutii of the right of Caecina to an estate inherited from h wife Caesennia, widow of M. Fulcinus, a rich mone lender.

Pro A. Cluentio Habito 66 B.C.

B.C. 66. *Pro A. Cluentio Habito:* Defense o Cluentius, charged with the murder by poisoning o his stepfather Oppianicus, brought by the younge Oppianicus, instigated by Sassia, the mother of Clue tius.

Pro C. Rabirio, 63 B.C.

B.C. 63. *Pro C. Rabirio:* Defense of Rabiriu charged with treason *(perduellio)*, the act having bee committed thirty-seven years before.

B.C. 63. *Pro L. Murena:* Defense of Murena, arged by the defeated candidate, Sulpicius, with bribery d corruption in obtaining the consular office. *Pro L. Murena,* 63 B.C.

B.C. 62. *Pro P. Cornelio Sulla:* Defense of Sulla, arged with sharing in Catiline's conspiracy. *Pro P. Cornelio Sulla,* 62 B.C.

B.C. 62. *Pro A. Licinio Archia:* Defense of the et's claim to citizenship acquired under the regulations acted in consequence of the Italian war. *Pro Archia,* 62 B.C.

B.C. 59. *Pro L. Valerio Flacco:* Defense of Flaccus ainst a charge of misgovernment as propraetor of Asia. *Pro Flacco,* 59 B.C.

B.C. 57. *Pro Domo Sua:* While this was simply an peal to the pontifices for a restoration of that part of estate alienated by Clodius, it may fairly be classed ong his forensic efforts, although he was his own client. *Pro Domo Sua,* 57 B.C.

B.C. 56. *Pro Sestio:* Defense of Cicero's partisan, stius, charged with assault, the attack having been made him by the partisans of Clodius. *Pro Sestio,* 56 B.C.

B.C. 56. *In P. Vatinum* ("Interrogatio"): A per- nal attack on Vatinius, one of the chief witnesses who peared against Cicero's client Sestius. *In P. Vatinum,* 56 B.C.

B.C. 56. *Pro M. Caelio:* Defense of Caelius, a dis- ute young member of the higher society of Rome, who s accused by Atratinus with plotting against the life the lady Clodia and with keeping a sum of gold onging to her. *Pro M. Caelio,* 56 B.C.

B.C. 56. *Pro Cornelio Balbo:* Defense of Balbus, a tive of Spain (Phoenician Gades), charged with the gal assumption and use of the Roman franchises, ived from a sweeping decree made by Pompey in B.C. *Pro Cornelio Balbo,* 56 B.C.

B.C. 54. *Pro Cn. Plancio:* Defense of Plancius ho, when quaestor of Macedon, 58 B.C., had be- ended Cicero), charged by M. Junius Laterensis, the *Pro Plancio,* 54 B.C.

defeated candidate for aedile, with corrupt politica bargaining.

Pro C. Rabirio Postumo, 54 B.C.

B.C. 54. *Pro C. Rabirio Postumo:* Defense of Ra birius, an equestrian speculator and promoter, in a pro ceeding to recover money said to have been receive from Ptolemy Aulates, king of Egypt, in corrupt part nership with Gabinius.

Pro Milone, 52 B.C.

B.C. 52. *Pro T. Annio Milone:* Defense of Milo charged with the murder of Clodius. The indictmen was for three distinct offenses: *de vi, de sodaliciis,* and *de ambitu.*

Pro Ligario, 46 B.C.

B.C. 46. *Pro Q. Ligario:* An appeal to Caesar t pardon Q. Ligarius, made in Caesar's official residence the Regia, on the Forum. The charge was that Ligariu had conducted the war in Africa against Caesar. Plutarch tells us that when "the orator touched upon the battle o Pharsalia, he (Caesar) was so affected that his body trembled, and some of the papers he held dropped from his hands, and thus he was overpowered, and acquitte Ligarius." [13]

Pro Rege Deiotaro, 45 B.C.

B.C. 45. *Pro Rege Deiotaro:* Defense of Deiotarus king of Galatia, accused of an attempt to murder Caesar when he was his guest during his stay in Armenia. This the last case Cicero ever pleaded, was also heard before Caesar himself in the Pontifical Palace at Rome. Before Caesar concluded the inquiry the daggers of his enemie struck him down.[14]

Basis of Cicero's fame as an advocate.

Upon his speeches in the foregoing cases, which sur vive in a more or less perfect form, Cicero's fame as an advocate really depends. Just after his defense of Ros cius of Ameria, having matched his forensic powers with

[13] In the preparation of this list I have been assisted by the helpful little book of Allen and Greenough, entitled *Six Orations of Cicero.*

[14] O. E. Schmidt, p. 362.

me of the foremost advocates of the time, he made
s tour abroad for the restoration of his health and for
e widening of his culture, of which mention has been
ade already.[15] After his return with health reëstab-
hed, he reappeared in the courts in defense of the
tor Roscius — whose case probably occurred about the
ar 76 B.C.[16] — a civil suit arising out of a demand of
nnius that the praetor should order that the accounts
tween him and Roscius, as to the profits of certain land
ken as the value of a slave held by them in partnership,
d killed by Flavius, be submitted to arbitration.

Defense of the actor Roscius.

The exordium and conclusion of this speech on the
w of partnership *(Societas)* are lost. Cicero ingeni-
sly contended that Roscius had long before settled for
nself alone with the slayer of the actor's slave, and was
t therefore legally liable to share his indemnity with
e original owner of the slave, "a delicate point of law
d equity." In ridiculing the appearance of Fannius
said:

> Do not the very pate and eyebrows closely shaven seem to be
> olent of meanness and proclaim his cunning? Does he not
> m the very nails of his toes to the crown of his head, if the
> echless physical person affords any inference to men, seem to
> sist wholly of cheating, of tricks, of lies, who has his head and
> brows always shaven for this reason, that he might not be said
> own as much as a hair of a good man.[17]

A bit of ridicule.

He then drew a picture of his own client, saying:

> Has Roscius defrauded his partner? Can such an imputation
> t upon one who has in him — I can say it boldly — more hon-
> y than he has art; more truth than accomplishments; whom
> Roman people consider to be a better man than he is actor;

Word picture of Roscius.

[15] See above, p. 65.
[16] Cf. Drumann, vol. v, pp. 346 *sq.*, who assigns an earlier date.
[17] Cicero, *Pro Roscio Comoedo*, 7.

who, though admirably fitted to the stage on account of his skil in his profession, yet is most worthy of being a senator on accoun of his modesty and decorum?[18]

After that double appeal to the irrelevant it was very proper for Cicero to say that "the masses are so consti tuted that they measure but few things by the standard of fact, most by the standard of conjecture."

Let us now turn from the case of Roscius, notable only for its bitter gibes and quibbling technicalities, to a real *cause célèbre* that fixed the forensic fame of Cicero for-

Prosecution of Verres.

ever. Caius Verres, ex-governor of Sicily, had for three years, 73–71 B.C., plundered and enslaved Rome's oldest province through a series of illegalities and barbarities that had put to the blush even her province-robbing oligarchy. A nature keenly avaricious, not only for gold but for works of art, was over-tempted by the wealth of a land which was not only the granary of Rome but a

Sicily a treasure house of gold and art.

treasure house to which had been transferred from the mother-country the most exquisite specimens of Greek art — bronzes bearing the name of Corinth, an Eros of Praxiteles, a Hercules by Myron, an original work of Boethos,[19] reliefs of embossed silver, cameos, and intaglios, plastic works in bronze, marble, or ivory, paintings and textile delineations, comparable even to the arras of later times.

With an itching palm for gold and with an obsession for works of art that amounted to a disease, Verres, armed with almost irresistible power over the lives and fortunes of the provincials, indulged for three years in a bacchanalian revel of plunder, punctuated by a bru-

[18] *Pro Roscio Com.*, 6.

[19] Overbeck, *Gesch. d. Griech. Plastik*, vol. ii, 2d ed., pp. 126–29; Sihler, pp. 79–83.

ality that shrank from no crime, and by a lust that continually insulted the honor of the proudest of the Sicilian families. One engine of his tyranny was a dark and dreadful dungeon at Syracuse into which he cast even Roman citizens who were held there in chains until strangled by his orders. When one of these victims named Gavius, who escaped and fled to Syracuse, threatened to go to Rome in order to impeach Verres, the tyrant ordered the magistrates first to flog and then to crucify him. When during the first ordeal he uttered the cry, *Civis Romanus sum,* in the hope that those magic words would save him, Verres ordered that he should be crucified on a headland so that he who called himself a Roman citizen might die while looking toward his native land.

Dungeon at Syracuse.

Crucifixion of Gavius.

Infuriated by such oppressions, the plundered communities of Sicily, the moment the intimidation of his official tyranny was removed, rose as one man and demanded, early in the year 70 B.C., that Verres should be brought to justice through an impeachment at Rome, and tried by his peers. In spite of his efforts for delay, supported by powerful friends, the proceeding moved swiftly. The *praetor urbanus,* who subsequently presided at the trial, promptly drew by lot a special and stated court (*quaestio perpetua),* composed entirely of senators, many of whom were members of the oldest of the Roman families. When on August 5, with the capital still full of citizens from a distance who had attended the elections, the court met in the Temple of Castor, under the presidency of the *praetor urbanus,* M. Acilius Glabrio, Rome was the scene of such a state trial as the ancient world had never witnessed before.

Verres impeached at Rome, 70 B.C.

Court composed entirely of senators.

From the foot of Mount Taurus, from the shores of the Black Sea, from many cities of the Grecian mainland, from many

A pen-picture of the trial of Verres.

islands of the Aegean, from every city or market town of Sicily deputations thronged Rome. In the porticos and on the steps o the temple, in the area of the Forum, in the colonnades that sur rounded it, on the housetops and on the overlooking declivities were stationed dense and eager crowds of impoverished heirs an their guardians, bankrupt publicans and corn merchants, father bewailing their children carried off to the praetor's harem, chil dren mourning for their parents dead in the praetor's dungeons a multitude swelled by thousands of spectators from Italy, partl attracted by the approaching games, and partly by curiosity t behold a criminal who had scourged and crucified Roman citizens who had respected neither local nor national shrines, and wh boasted that wealth would yet rescue the murderer, the violator and the temple-robber from the hand of man and from th Nemesis of the Gods.[20]

A companion picture, trial of Hastings, the English Verres.

After the curtain fell upon that memorable scene i was never lifted upon its real counterpart until after th lapse of eighteen centuries when the patrician senator of another expanding empire met at Westminster in th ancient hall of William Rufus to sit in judgment upo an ex-governor of the province of India, accused of th grossest tyrannies and robberies committed while ruling a helpless Oriental people with more than regal power The place in which that court sat was worthy of such a trial—

. . . . the hall which had resounded with acclamations at th inauguration of thirty kings, the hall which had witnessed th just sentence of Bacon and the just absolution of Somers, the hal where the eloquence of Strafford had for a moment awed an melted a victorious party inflamed with just resentment, the hal where Charles had confronted the High Court of Justice wit the placid courage which has half redeemed his fame. . . . . Th judges in their vestments of state attended to give advice o points of law. Near a hundred and seventy lords, three-fourth of the Upper House, as the Upper House then was, walked i

[20] Art. "Verres" in Smith's *Greek and Roman Biography.*

olemn order from their usual place of assembling to the tribunal. . . . The gray old walls were hung in scarlet. The long galeries were crowded by an audience such as has rarely excited he fears or the emulations of an orator.

There were gathered together, from all parts of a great, free, nlightened, and prosperous empire, grace and female loveliness, vit and learning, the representatives of every science and of every rt. There were seated round the Queen the fair-haired young aughters of the House of Brunswick. There the Ambassadors f great Kings and Commonwealths gazed with admiration on spectacle which no other country in the world could present. There Siddons, in the prime of her majestic beauty, looked with motion on a scene surpassing all the imitations of the stage.

There the historian of the Roman Empire thought of the days vhen Cicero pleaded the cause of Sicily against Verres, and vhen, before a senate which still retained some show of freedom, Tacitus thundered against the oppressor of Africa.[21]

To such a court, sitting in such a place, and surrounded y such an audience, the people of the British Empire, peaking in their corporate person through their ancient opular assembly, the House of Commons, acting as a rand jury of the whole realm, presented articles of npeachment against the English Verres, Warren Hastngs. After the charges had been read the spokesman f the commons, raising his voice until the old arches f Irish oak trembled, said:

Commons a grand jury of the whole realm.

Therefore hath it with all confidence been ordained, by the mmons of Great Britain, that I impeach Warren Hastings of gh crimes and misdemeanors. I impeach him in the name of e Commons' House of Parliament, whose trust he has betrayed. impeach him in the name of the English nation, whose ancient nor he has sullied. I impeach him in the name of the people of dia, whose rights he has trodden under foot, and whose country has turned into a desert. Lastly, in the name of human nature

Burke's burning denunciation.

[21] Macaulay's *Essays,* vol. ii, pp. 641–45, "Warren Hastings."

itself, in the name of both sexes, in the name of every age, in th name of every rank, I impeach the common enemy and oppresse of all!

For the trial of such charges the English constitutio provided not only a special and stated senatorial tribun *(quaestio perpetua)* composed of the peers convened a a court of impeachment, but it also provided for a official body of prosecutors, the managers of the im peachment appointed by the House of Commons. A the head of that body there stood such a triumvirate o orators as the world had never heard before at the sam moment, in ancient or modern times. The first to spea was the British Cicero, Edmund Burke, at whose sid stood "Fox and Sheridan, the English Demosthenes an the English Hyperides," whose brilliant and burnin denunciations will live for all time.

Impeachment managers.

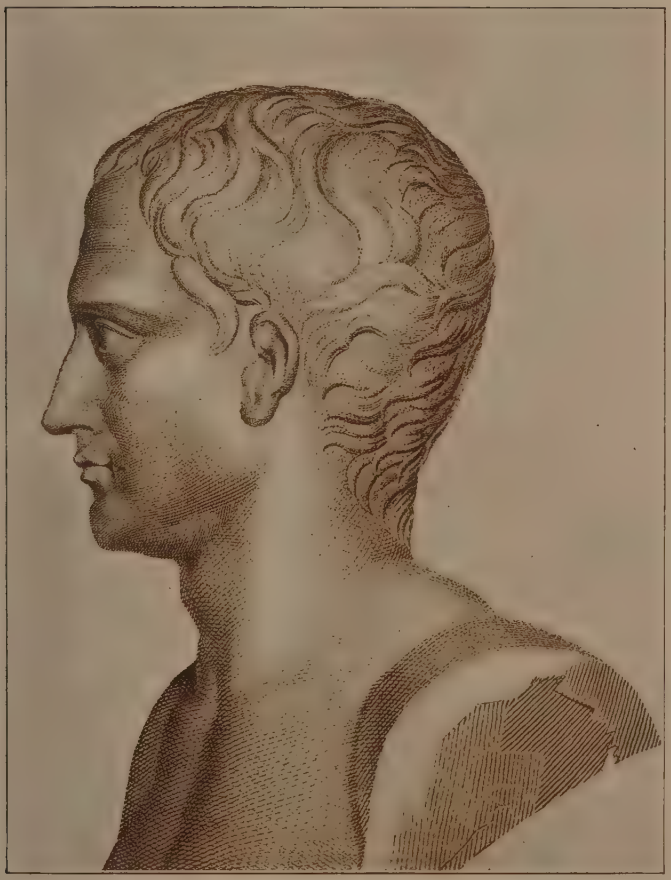
Burke, Fox, and Sheridan.

And yet this majestic array, this matchless display o modern eloquence all ended in nothing. After the tri had lasted for nearly eight years, after sixty of the noble who had walked in the procession at the beginning o the trial had been borne to their ancestral tombs, afte the friendship of the brilliant triumvirate of prosecuto had been violently and publicly dissolved, Hastings wa acquitted by a vote unanimously in his favor on som charges and nearly so on others. After being thus so emnly absolved by the lords he retired to his ancestra home at Daylesford where, at an extreme old age, h died peacefully in his bed at last.

Acquittal of Hastings.

When we return to the senatorial court convened b the praetor for the trial of Verres, we look in vain fo official managers of the impeachment against him. Und the law of Rome anyone could offer to conduct such prosecution, subject to the right of the court to acce

Roman law provided no official prosecutor.



QUINTUS HORTENSIUS.

r reject him.[22] Because that preliminary question was ettled by argument alone, without evidence, it was called *ivinatio,* the judges being compelled to guess or divine neir way; and when an attempt was made, as in this ase, to make the prosecution a farce by employing a riend of the accused to conduct it, such a trick was alled *praevaricatio.*

Verres defended by Hortensius.

Verres, backed by the Scipios and Metelli, and advised y the great advocate Hortensius, was ready with Caecius, a former quaestor and partner in his frauds and ppressions, when the praetor, early in the year 70 B.C., onvened the court to settle the preliminary question as o a prosecutor. In anticipation of such a move the icilians had turned to one to whom they were drawn by he double inducements of fame and friendship. In the ear 76 B.C. Cicero had been elected to the quaestorship, he western diocese of Sicily governed from Lilybaeum eing assigned to him — an office he administered so ably nd honestly as to win not only the approval but the ffection of the provincials. It is not therefore strange

Cicero employed by Sicilians as prosecutor.

hat a grateful people should have appealed to the rising dvocate, now curulian aedile elect,[23] to represent them s prosecutor in the pending impeachment.

His attack on Caecilius.

Accepting the trust with all the zeal that could be ispired by a great opportunity, apart from his profesonal rivalry with Hortensius, Cicero offered himself as rosecutor against Caecilius who, for the moment, pre-

[22] As to the right to prosecute, see Greenidge, *The Legal Procedure of Cicero's Time,* pp. 11, 459.

[23] Suringar, p. 80. v. *Aedilis* in Latin Thesaurus. *In Verr.* 5, 36. "Now am aedile elect, I consider what it is that I have received from the oman people; I consider that I am bound to celebrate holy games with e most solemn ceremonies to Ceres, to Bacchus, and Libera; but I am ound to render Flora propitious to the Roman nation and people by the lendor of her games." — *In Verr.,* v. 14.

tended to be the enemy of Verres.[24] In his openin speech made on the preliminary hearing Cicero con tended, with all the withering force of invective, first, tha the pretended enmity of Caecilius was a sham; second that he was notoriously incompetent to conduct such prosecution. After emphasizing the first objection, an defining what the qualifications of a prosecutor shoul be, turning to Caecilius he said:

His generous tribute to himself.

Are you then endowed with all these qualifications? . . . for if you are able today to answer me these things which I ar saying; if you even depart one word from that book which som elocution master or other has given you, made up of other men' speeches, I shall think that you are able to speak, and that yo are not unequal to that trial also, and that you will be able to d justice to the cause and to the duty you undertake. But if i this preliminary skirmish with me you turn out nothing, wha can we suppose you will be in the contest itself against a mos active adversary?[25]

Then in a lofty tone of self-adulation, which becam habitual, Cicero in speaking of himself said:

I, who as all men know, am so much concerned in the Forun and the courts of justice, that there is no one of the same age [h was then thirty-six], or very few, who have defended more cause and who spend all my time which can be spared from the busine of my friends in these studies and labors, in order that I may b more prepared for forensic practice, more ready at it, yet, (ma the gods be favorable to me as I am saying what is true!) when ever the thought occurs to me of the day when, the defendan having been summoned, I have to speak, I am not only agitate in my mind, but a shudder runs over my whole body.[26]

[24] It was to the interest of the state to avoid both weakness and collusion The prosecutor should be one "quem minime velit is, qui eas injurias feciss arguator." — Cicero *in Caecilium*, 3, 10.

[25] *In Caecil.*, 16.

[26] Ibid., 13.

A moment before he had paid even a higher tribute himself, when he said tauntingly to Caecilius:

> Even if you had learned Greek literature at Athens, not at Elybaeum, and Latin literature at Rome and not in Sicily, still would be a great undertaking to approach so important a cause, and one about which there is such great expectation.[27]

Cicero's plan was effective; the court appointed him prosecutor, giving him time, one hundred and ten days, in which to gather evidence and prepare his arguments for the trial on the merits. Then followed what lawyers call a race of diligence, the defendant, who had failed, by the lavish use of money, to organize the court in his own interest, desiring a postponement until the next year when his powerful friend Metellus (to whom the lot for 70 B.C. had assigned this very court) would begin his praetorship. By almost superhuman efforts Cicero, assisted by his cousin Lucius, visited all the complaining communities in Sicily and completed the gathering of his evidence in fifty days. Only at Messana and Syracuse did he meet with any difficulty in procuring evidence. While the former, instigated by the new praetor Metellus, the friend and successor of Verres, held out against him, he so won over the Syracusans, after an address delivered in Greek before the Senate in the town hall, that they erased from the city records a complimentary decree Verres had extorted through their fears.

Cicero appointed prosecutor.

Gathered evidence in fifty days.

Thus armed, the tireless prosecutor, who paid all his own expenses, was able to brush aside all expedients for delay, and to force the trial, which began on August 5 before a court composed of course entirely of senators and sat under the presidency of the *praetor urbanus*, M. Acilius Glabrio. In all such trials the *judices* were

Trial began August 5.

[27] *In Caecil*, 12.

provided with three *tabellae,* one of which was marke with A, i. e., *absolvo,* I acquit; the second with C, i. e., *co demno,* I condemn; and the third with N. L., i. e., *nc liquet.* And it would seem that in some trials the *tabe lae* were marked with the letters L, *libro,* and D, *damn* respectively.

Fearing that his well-laid plans for a speedy tri might be upset, Cicero entirely disconcerted Hortensiu by dispensing with the long and formal oration usual c such occasions. After a short introduction known a *Interrogatio Testium,* so called because a brief outlir of the evidence upon which the prosecution proposed t rely, he proceeded at once to present his affidavits ar examine his witnesses, all of which was concluded in nir days. But before that point was reached Verres ha disappeared.[28] So overwhelmed was he by the proo offered against him that, after the third day of the tria he slipped away from Rome into exile,[29] before the se tence, banishment and a heavy fine, could be impose upon him.

Proofs for prosecution concluded in nine days.

Verres slipped away into exile.

Prosecutor delivered but one speech.

The only oration actually delivered by Cicero in th case was the brief introduction preceding the present tion of the witnesses, in which he boldly declared that h was driven to such an unusual proceeding by the intrigu of his opponents. He began by warning the senato that upon the result of this trial would depend the power to retain the criminal jurisdiction so long veste in the equestrian order.

> For an opinion has now been established pernicious to us, ar pernicious to the Republic, which has been the common talk everyone, not only at Rome, but among foreign nations also that in the courts of law as they exist at present, no wealthy ma

[28] *Pseudo-Asconius,* p. 126.

[29] Ibid., p. 126.

however guilty he may be, can possibly be convicted. Now at this time of peril to your order and to your tribunals, when men are ready to attempt by harangues, and by the proposal of new laws, to increase the existing unpopularity of the Senate, Caius Verres is brought to trial as a criminal, a man condemned in the opinion of everyone by his life and actions, but acquitted, by the enormousness of his wealth, according to his own hope and boast.[30]

His warning to the tribunal.

At that moment an agitation was in progress for such a reformation of the senatorial courts as would compel the *praetor urbanus* to constitute them of *judices* drawn equally from the Senate, the equestrian order, and from the *tribuni aerarii,* the highest social strata of the plebeians — a reform ultimately embodied in the *lex Aurelia iudiciaria.*[31] Passing then to the main issue he said:

Reform of senatorial courts.

While this man was praetor the Sicilians enjoyed neither their own laws, nor the decrees of the Senate, nor the common rights of every nation. . . . . Roman citizens were tortured and put to death like slaves; the greatest criminals were acquitted in the courts of justice through bribery; the most upright and honorable men, being prosecuted while absent, were condemned and banished without being heard in their own defense. . . . . The Roman people will understand that with an upright and honorable praetor, and a carefully selected bench of judges, abundance of wealth has more influence in bringing a criminal into suspicion than in contributing to his safety. . . . . We say that Caius Verres has not only done many licentious acts, many cruel ones toward Roman citizens, and toward some of the allies, many wicked acts against both gods and men; but especially that he has taken away from Sicily forty millions of sesterces contrary to law.[32]

The main issue.

Cicero could not permit the flight of Verres to deprive him of a precious opportunity to give to the world the

Unspoken speeches published in five books.

[30] *In Verr.,* i, 1.

[31] Cf. Lange, vol. iii, p. 197; Vell., ii, 32; Madvig, f. 1, 182 *sq.;* Sihler, p. 74, 90.

[32] *In Verr.,* i, 4, 5, 17, 18.

great and formal orations he had hoped to deliver orall
He therefore published them afterward, as he had i
tended to deliver them, in five books entitled as follow

First book.— Of the second pleading against Verres — respec
ing his conduct in the city praetorship. Second book.— Of t
second pleading against Verres — concerning his manner of d
ciding causes as judge while in Sicily. Third book.— Of t
second pleading in the accusation against Verres — on the cou
relating to corn. Fourth book.—Of the second pleading in t
prosecution of Verres — respecting the statutes. Fifth book.— (
the second pleading in the prosecution of Verres — speech on t
punishments.

Fiction of a "second pleading."

Thus by employing the fiction of a "second pleadin
or trial, like the second defense of Milo, Cicero w
able to put forth a brilliant publication deliberately pr
pared, containing a wealth of priceless information.

The five books, one and all, are permeated by a spirit of t
umph. The aim of Cicero in the composition and publicati
was indeed personal and professional, both of these; but for
and the enduring concerns of history, he did vastly more. I
accumulated a great mass of incontrovertible data which sh
why the Republic was doomed, at least why the exploitation
the Mediterranean world by the Roman oligarchy could not
on forever; further, how that correlative at home, the purch
and sale of the electorate, in spite of the ever new laws *de ambi*
was the other running ulcer of the body politic which was ruini
the state and which ultimately delivered it to a milit
monarchy.[33]

Cicero leader of Roman bar at thirty-six.

By his oral and written efforts embodied in the brillia
and vigorous Verrines, coupled with the almost sup
normal energy and courage by which he had forced
conviction of Verres under the most difficult circu
stances, Cicero, at thirty-six, reached the lonely emine

[33] Sihler, pp. 75–76.

of leader of the Roman bar, with his most famous forensic rival, Hortensius, humbled in the dust. He had now reached a turning-point in his career. As in our own public life, success at the bar opened the way to political offices and political honors. He who had been *quaestor* and *aedile* had the praetorship and consulship before him. Everything must now be sacrificed to popularity. The ambitious advocate therefore announced that he would no longer appear as a prosecutor. At the conclusion of the last published speech in the case of Verres, he expresses the hope —

Will not appear again as a prosecutor.

. . . . that the Republic, and my own duty to it, may be content with my undertaking this one prosecution, and that I may be allowed for the future to defend the good instead of being compelled to prosecute the infamous.[34]

Eight years after the conviction of Verres, Cicero undertook the defense of his old Greek teacher, the poet Archias, who had come to Rome nearly forty years before in the train of Lucullus when Cicero was a child. As a means no doubt of assailing the Luculli, an attack was made by Gratius on their protégé, Archias, who was accused as a false pretender to the rights of Roman citizenship, involving probably an application of the *lex Papiria,* which provided that those who were on the register of any confederate city as its citizens were to be exempt from its operation, provided they were residing in Italy at the time the law was passed, and had made a return of themselves to the praetor, within sixty days.[35]

Defense of the poet Archias.

Application of *lex Papiria.*

The name of Archias, who had acquired citizenship

[34] *In Verr.*, v, 72.

[35] So said Cicero, *Pro Arch.*, 4. Only one clause of this law is known, that by which the *civitas* was granted to *incolae* enrolled on the registers of federate communities. — Greenidge, *Roman Public Life,* p. 311, note 5. This author remarks that "It is difficult to believe that this cumbrous rule applied to the citizens of the towns."

under the regulations enacted at the close of the Social War, did not appear on the census lists, as he was abroad with L. Lucullus. That difficulty Cicero contended had been removed by the enrolment of Archias before his return to Rome, during his stay at the confederate city of Heraclea. The oration is occupied however not so much with legal arguments as with a panegyric on Archias who is supposed to have died soon afterward, and with those touching tributes Cicero never failed to pay to himself. In the year of the trial, 62 B.C., Caesar was praetor as was also Cicero's brother Quintus, who seems to have presided at the trial of Archias. After thanking the poet for the training he had given to his mind and to his tongue, Cicero said:

Tributes to Archias.

I entreat you in this cause to grant me this indulgence, suitable to this defendant, and I trust not disagreeable to you — the indulgence of allowing me, when speaking in defense of a most sublime poet and most learned man, before this concourse of highly educated citizens, before this most polite and accomplished assembly and before such a praetor as him who is presiding at this trial, to enlarge with a little more freedom than usual on the study of polite literature and refined arts.[36]

When Archias arrived at Rome, "Italy was at that time full of Greek science and of Greek systems, and these studies were at that time cultivated in Latium with greater zeal than they now are in the same towns." After stating the precise question of law at issue, he said:

Precise question at issue.

As he had now a residence at Rome for many years, he returned himself as a citizen to the praetor, Quintus Metellus, his most intimate friend. If we have nothing else to speak about except the rights of citizenship and the law, I need say no more. The cause is over. For which of all these statements, Gratius, can be invalidated? Will you deny that he was enrolled, at the time

[36] *Pro Arch.*, 2.

I speak of, as a citizen of Heraclea? . . . . You ask us, O Gratius, why we are so exceedingly fond of this man. Because he supplies us with food whereby our mind is refreshed after this noise in the Forum, and with rest for our ears after they have been wearied with bad language.[37]

Reference to Catiline matter.

As the Catiline matter was still fresh in the minds of his audience Cicero said:

I will now reveal my own feelings to you, O judges, and I will make a confession to you of my own love of glory — too eager perhaps, but still honorable. For this man has in his verses touched upon and begun the celebration of the deeds which we in our consulship did in union with you for the safety of this city and empire, and in defense of the life of the citizens and of the whole Republic. And when I had heard his commencement, because it appeared to me to be a great subject and at the same time an agreeable one, I encouraged him to complete his work. For virtue seeks no other reward for its labors and its dangers beyond that of praise and renown; and if that be denied to it, what reason is there, O judges, why in so small and brief a course of life as is allotted to us, we should impose such labors on ourselves.[38]

Defense of Milo.

Ten fateful years then passed by before the time came for Cicero to appear as the defender of Milo. The capital of the Roman world, which now belonged to Caesar and Pompey, was fast drifting toward anarchy. The civil year, 53 B.C., had ended without any consular election; the three candidates in the field were Plautius Hypsaeus, supported by Pompey; Quintus Metellus Scipio; and Annius Milo, supported by Cicero.[39] The bitter enemy of Milo, Clodius, a young libertine, with whom

[37] *Pro. Arch.*, 5, 6.

[38] Ibid., 11.

[39] In a letter written to Curio on that subject Cicero says: "Did I not know that you must be fully aware, while writing this letter to you, under what a weight of obligation I am laboring, how strongly I am bound to work in this election for Milo, not only with every kind of exertion, but even with downright fighting, I should have written at greater length." — *Ad Fam.*, ii, 6.

Cicero had had a quarrel some nine years before in connection with the Bona Dea scandal, was a candidate for the praetorship which would have signified but little to him with Milo as consul. On January 18, 52 B.C., when Rome was really without a government by reason of the veto of a tribune forbidding the declaration of an interregnum, Milo, traveling along the Appian Way in a carriage with his wife Fausta (daughter of Sulla) and his friend Fusius, attended by a body of slaves and two well-known gladiators, near Bovillae, close to a chapel of the Bona Dea, met Clodius on horseback, accompanied by three friends and about thirty armed slaves. It seems that Cicero had told Atticus four years before that Milo had declared that he would kill Clodius if he ever met him. At last they met, and the fight began after the cavalcades had almost passed each other, when Milo's two gladiators provoked a quarrel with the hindermost of Clodius' slaves. When Clodius demanded in a threatening tone to know the cause of the difficulty one of the gladiators pierced his shoulder with a javelin; and after he had been taken into a wine shop near by, he was dragged out in the midst of a general fight and murdered by Milo's orders.

Clodius killed, January 18, 52 B.C.

The Senate was now thoroughly alarmed; Lepidus was appointed *interrex,* and to him, with the tribunes and Pompey, the care of the public order was committed. While men were talking of Caesar as dictator, the Senate averted that move by giving the reins of power to Pompey, not as dictator, an unpopular term, but as sole consul, without submitting the question to the people.[40]

Pompey made sole consul.

[40] Dio, 40, 50; Plut., *Cat. Min.,* 47. As there were no consuls, the Senate's proclamation of martial law declared "that the *interrex* and the tribunes of the *plebs* and the proconsul Cnaeus Pompeius should see to it that the Republic suffered no harm."

At that juncture three of the tribunes, Plancus, Sallust, and Pompeius, by violent harrangues, did all in their power to inflame the public mind against Milo, attacking at the same time his defender, Cicero, who thus became almost as unpopular as his client.

Milo was certainly in great danger, charged as he was with three distinct offenses — murder and illegal violence *(de vi);* corrupt practices at elections *(ambitus);* organizing and belonging to unlawful clubs *(de sodaliciis)* — each calling for a separate arraignment. On April 8, just a hundred days after the happening of the tragedy on the Appian Way, a political trial was to begin in the midst of the hot passions of factions. Under a new statute enacted through the influence of Pompey a court was assembled not under the *praetor urbanus,* but under a special commissioner, Domitius Ahenobarbus, probably elected by the people at Pompey's suggestion,[41] consisting of 81 *judices* chosen by lot out of a larger selected body numbering 300. It was provided that after the 81 had heard the speeches on both sides, not to occupy collectively more than five hours, the prosecution and defense were each to challenge 15 (5 of each class), leaving thus 51 to render judgment, divided no doubt into 18 senators, 17 knights, and 16 *tribuni aerarii.*

Milo tried amid passions of factions.

Court organized under a new statute.

The drawing of the *judices* began at dawn, and before eight the prosecutors, Appius Claudius, Marc Antony (now for the first time in Cicero's path), and Valerius Nepos had begun their speeches. After they had consumed the two hours given them by the new law, Cicero, unassisted, rose to speak in defense of Milo. It was

[41] Asconius calls Domitius "Quaesitor suffragio populi"; and Cicero (*Pro T. Annio Milone,* 8), speaking of Pompey, says, "Quod vero te L. Domiti huic questione praeesse voluit . . . . ex consularibus te creavit potissimum." — Forsyth, vol. ii, p. 20, n. 1.

certainly a critical moment, calculated to unnerve the boldest advocate — with all the shops in the city closed, with Pompey near at hand[42] with a select guard, with the court itself surrounded with glittering spears of the soldiers there to preserve order, and the mob of Claudian sympathizers hooting in defiance of all authority.

Cicero intimidated.

It is certain that the unusual spectacle so disquieted Cicero, always tremulous as he tells us on the eve of such a contest, that he lost his self-possession. His speech was undoubtedly far below his standard — ineffective and imperfect in its delivery. Milo was convicted and banished by a vote of thirty-eight for condemnation against thirteen for acquittal, Cato voting openly with the minority. That part of the failure was final; not so with the oration. In order to wipe out the memory of his discomfiture Cicero, not long after the trial was over, wrote, as in the case of Verres, one of the finest forensic orations even constructed, specially rich in rhetorical craft.[43]

His speech rewritten. Plea of self-defense.

The orator's plea was self-defense. He contended that Clodius had declared in public speeches that Milo must be killed; that he could be deprived of life, but not of the consulship if he lived; that Clodius was the aggressor; that there was no premeditation on Milo's part; that his slaves had killed Clodius without his knowledge or consent to avenge the supposed death of their master. In stating the law of self-defense he said:

[42] The tribunal was before the Temple of Castor, Pompey being seated at some distance, near the Temple of Saturn, at the upper end of the Forum. Cicero, addressing Pompey, exclaimed: "I appeal to you, and I raise my voice that you may hear me", "Te enim jam appello, et ea voce ut me exaudire possis." — *Pro Milo.*, 25.

[43] When Milo, in exile, read this speech, he is reported to have said: "It is just as well that Cicero did not succeed in delivering this speech, or I should not have known the taste of these excellent mullets of Massilia." — Dio, xl, 54.

Statement of the law.

The law very wisely, and in a manner silently, gives a man a ght to defend himself, does not merely forbid a man to be slain, ut forbids anyone to have a weapon about him with the object slaying a man; so that, as the object, and not the weapon itself, made the subject of the inquiry the man who had used a weapon ith the object of defending himself would be decided not to ave had his weapon about him with the object of killing a man. et, then, this principle be remembered by you in this trial, O udges; for I do not doubt that I shall make good my defense efore you, if you only remember — what you cannot forget — hat a plotter against one may be lawfully slain.[44]

Statement of the facts.

Passing then to his version of the facts, colored, of ourse, to suit his side of the case, he said:

But Milo, as he had been that day in the Senate till it was ismissed, came home, changed his shoes and his garments, waited little as men do, while his wife was getting ready, and then tarted at the time when Clodius might have returned, if, indeed, e had been coming to Rome that day. Clodius meets him unenumbered on horseback, with no carriage, with no baggage, with o Greek companions, as he was used to, without his wife, which as scarcely ever the case; while this plotter who had taken, foroth, that journey for the express purpose of murder, was driving ith his wife in a carriage, in heavy traveling cloak, with abunant baggage, with a delicate company of women, and maidervants, and boys.[45]

He meets Clodius in front of his farm, about the eleventh hour, r not far from it. Immediately a number of men attack him om the higher ground with missile weapons. The men who e in front kill his driver, and he had jumped down from his hariot and flung aside his cloak, and while he was defending mself with vigorous courage, the men who were with Clodius rew their swords, and some of them ran back toward his chariot order to attack Milo from behind, and some, because they ought that he was already slain, began to attack his servants ho were behind them; and those of the servants who had presce of mind to defend themselves, and were faithful to their

[44] *Pro Milo.*, 4. [45] Ibid., 10.

master, were some of them slain, and the others, when they saw a fierce battle taking place around the chariot, and as they were prevented from getting near their master so as to succour him when they heard Clodius himself proclaim that Milo was slain and they thought that it was really true, they, the servants of Milo . . . . did, without their master either commanding it, or knowing it, or even being present to see it, what everyone would have wished his servants to do in a similar case.[46]

There is a natural curiosity of course to read what the great master of invective had to say of such a detested and harmful personal enemy as Clodius had been. Passing over the almost unprintable abuse put into the mouth of Milo, it will be sufficient to reproduce a part of what Cicero said on his own account:

Picture of Clodius.

I swear to you, the fortune of the Roman people appeared to me hard and cruel, while it for so many years beheld and endured that man triumphing over the republic. He had polluted the holiest religious observances with his debauchery; he had broken the most authoritative decrees of the Senate; he had openly bought himself from the judges with money; he had rescinded acts which had been passed for the sake of the safety of the Republic, by the consent of all orders of the State; he had driven me from my country; he had plundered my property; he had burnt my house; he had ill-treated my children and my wife; he had declared a wicked war against Cnaeus Pompeius; he had made slaughter of magistrates and private individuals; he had burnt the house of my brother; he had laid waste Etruria; he had driven numbers of men from their homes and professions.[47]

An observation on life.

As an observation on life this is, perhaps, the most striking:

See, now, how various and changeable is the course of human life — how fickle and full of revolutions is fortune; what instances of perfidy are seen in friends, how they dissemble and suit their behavior to the occasion; when dangers beset one, how one's nearest connections fly off, and what cowardice they show.[48]

[46] *Pro Milo.*, 10. [47] Ibid., 32. [48] Ibid., 26.

CHAPTER VII

CICERO AS A STATESMAN

WITH the announcement made at the close of his great peech in the case of Verres that he would appear no ore in the courts as a prosecutor, Cicero's career as a atesman, in the largest sense of that term, really began. Like his great fellow-townsman, Marius, he was a lf-made man, the joint product of genius and culture, rgely Greek culture. Despised by the Roman aristocacy as a *peregrinus*,[1] and unpopular with the Roman opulace, he was the trusted leader of the Italian middle ass, designated by him as "the true Roman people." pposed alike to socialistic dreams and to aristocratic xclusiveness, he stood with the people for the ancient mplicity of life as against the splendid luxury of the capal.[2]

Cicero the leader of Italian middle class.

It was his influence with the middle class that won s elections to the offices of quaestor, aedile, praetor, d consul, at the earliest age at which it was possible hold them; it was their voice that insisted in 58 B.C. on his recall from exile;[3] it was his power over them at made Caesar eager to win him over in 49 B.C. hen at the age of thirty-one he offered himself as a ndidate for one of the quaestorships, whose duties were that time chiefly financial, he was elected "with all e votes."[4] No one could be chosen praetor until he

His influence with that class secured elections to office.

[1] *Pro Sulla*, 7; Sall., *Cat.*, xxxi, "inquilinus urbis Romae."
[2] *Pro P. Quinctio*, 31; *Pro Cluent*, 46.
[3] *Pro Domo*, 28; *Pro Cn. Plancio*, 41.
[4] *Brut.*, 93.

had been quaestor, or consul until he had been praetor — those three magistracies forming what was called a career of office — *cursus honorum*. The office of curule aedile was often held between the quaestorship and the praetorship, but it was not a necessary grade in the *cursus honorum*. The year 70 B.C. that brought to Cicero the case against Verres, because of his quaestorship in Sicily, also brought to him the office of curule aedile,[5] whose chief duties involved, with three colleagues, the general superintendence of the city police, the regulation of the games, and the care of the temples and other public buildings. He speaks in his oration against Verres (V) of the duties he is soon to perform as aedile — expensive duties involving public games, the burden of which, Plutarch tells us, his grateful Sicilian client materially lightened.

The *cursus honorum*.

Curule aedile for 69 B.C.

Some years before this time, certainly it would seem after his return from the East in 77 B.C., Cicero had married Terentia, the date of the marriage or even that of the birth of the eldest child being in doubt. Terentia was evidently a lady of good family, possessed of some fortune over which she never surrendered her control. It seems that in the year 73 B.C. her half-sister Fabia, who was a Vestal, was brought to trial, it being alleged that Catiline was her accepted lover.[6] Plutarch, who puts her dowry at 100,000 drachmas, says Terentia was a woman of violent temper; and Niebuhr makes the equally unsupported statement that —

Terentia and her half-sister Fabia.

. . . . in his marriage Cicero was not happy. His wife was domineering and disagreeable woman; and as, owing to his great sensibility, he allowed himself to be very much influenced by the

[5] Cf. Mommsen (*Staatsr.*, vol. ii, p. 482) as to the conditions of eligibility to the office; *Enc. Brit.* (9th ed.), art. "Rome," pp. 764 *sq.*

[6] Ascon. on *In toga cand.*, pp. 92-93 Orelli.

round him, his wife also exercised great power over him, which is e more remarkable because he had no real love for her.[7]

In 68 B.C., the year in which his correspondence with tticus begins, we hear for the first time of Cicero's villa above Tusculum, a sort of Roman suburb, where leading atesmen like Pompey, Lucullus, Scaurus, Hortensius, nd others could combine the society of the town with ie charms of the country. After congratulating his iend upon his recent purchase of an estate in Epirus, ear Buthrotum, he begs him to get anything suitable or his own Tusculan villa — "in that place alone do I nd rest and repose from all my troubles and toil." hen, after a reference to Terentia's rheumatism, the tter closes with her compliments and those of his darling *deliciae nostrae)* Tulliola to Atticus, his sister, and his other. The last words are, "Be assured that I love ou like a brother."[8] Not until the year 65 B.C. was icero's only son Marcus born, a fact he announces in letter to Atticus in this cold and laconic way: "Know at in the consulship of Caesar and Figulus I have had increase to my family by the birth of a son, and erentia is doing well."[9]

Villa above Tusculum.

Birth of Marcus.

From that time onward the only expansion that took ace in his family was expressed in the ever-growing mber of his residences in town and country. Apart om the cradle spot at Arpinum, which came to him by neritance, and the recently purchased retreat near Tus- um, the most important of his villas were situated

Increase in number of residences.

[7] *History of Rome,* vol. v, p. 20.

[8] *Ad Att.,* i, 1. This letter opens the correspondence with Atticus when ero was in his thirty-ninth year and in the midst of his official career. had been already quaestor (75 B.C.) and aedile (69 B.C.), and was ing forward to the praetorship in the next year (67 B.C.).

[9] "L. Julio Caesare, C. Marcio Figulo consulibus filiolo me auctum scito, ra Terentia." — *Ibid.,* i, 21.

on the western coast of Italy near the towns of Antium Astura, Sinuessa, Formiae, Cumae, Puteoli, and Pompeii. Not until 62 B.C., the year after his consulship, did he purchase the Palatine mansion[10] in the Belgravia of Rome from its richest citizen, Crassus, with whom his political relations had been unfriendly.[11]

House on the Palatine.

As he boasts that he never received fees for his labors as an advocate, the sources of his wealth involve a perplexing problem. Certainly his services as a lawyer were sought far and wide. He said in one of his letters to Atticus that he was the "leader of the wealthy," and we know that he sometimes numbered in his clientèle foreign kings and commonwealths. The fact is, that by Cicero's time the law forbidding an advocate to receive rewards for his services was practically obsolete. Fees were paid him, but they were called presents.[12] Sometimes such presents came in the form of legacies bequeathed by grateful clients, or by the parents of such clients. In 44 B.C., long after his active career had terminated, Cicero reported a total of bequests amounting to twenty million sesterces, estimated at about £178,000 or $880,000.[13]

Professional income.

Despite the number of his residences, which necessarily imply a very large income, thoughts of Cicero's domestic life naturally cluster around his villa at Tusculum, modeled in miniature after the Academy at Athens with its *palaestra,* or exercise ground, its *gymnasium,* and its *xystus* (a corridor with open pillars), where he passed

Home life at Tusculum.

[10] It seems that at this time he made over the house in the Carinae, which he had inherited from his father, to his brother Quintius. — Plut., *Cic.,* v

[11] As to the loan of two million sesterces from P. Sulla, then under indictment, see Gell., xii, 12, 1.

[12] See below, p. 195.

[13] Cicero, *Philippicae,* ii, 40: "Ego enim amplius sestertium ducenties acceptum haereditatibus retuli."

o many happy days in sweet and useful mental com-
union with his other self, Atticus. That friend he was
ver urging to send him more books, regardless of ex-
ense, for his library, his ruling passion, which he said
ave a soul to his house when arranged by his librarian,
yrannio.[14] That member of his household, a distin- Tyrannio.
uished Greek grammarian, was secured in 56 B.C. as a
omestic tutor for his nephew Quintus. And here men-
on should be made of Cicero's favorite freedman, Tiro, Tiro, stenographer and right-hand man.
rivate secretary, stenographer, and general right-hand
an, whose speed in taking dictation was remarkable.[15]
n one of his letters Cicero says that he can write nothing
ithout him. After his manumission Tiro,[16] according
o custom, assumed the name of Marcus Tullius; and,
fter the death of his benefactor, wrote a life of him,
nd published his letters and speeches.

The master of the Tusculan villa, the leader of the
Roman bar, who had been both quaestor and curule
edile, must next win the praetorship, in order to qualify The praetorship.
imself for the goal of his ambition, the consulship.
After Sulla's time there were eight praetors, that number
eing required for the presidency of the civil and crim-
nal courts at Rome, the special functions of the praetors
eing always assigned by lot *(sortitio)*.[17] Strange as it

[14] *Ad Att.*, iv, 4, Cicero writes: "You will find that Tyrannio has made wonderfully good arrangement of my books, the remains of which are etter than I had expected. Still, I wish you would send me a couple of our library slaves for Tyrannio to employ as gluers, and in other subordinate work, and tell them to get some fine parchment to make titlepieces, hich you Greeks, I think, call *sillybi*."

[15] See above, p. 79.

[16] See the letter of congratulation to Tiro from Cicero's brother Quintus, *d Fam.*, xvi, 26.

[17] During the period when some of the praetors governed provinces, a gular *sortitio* took the form of an assignment of the two urban *provinciae* two, and of the foreign provinces to two and afterward to four members the college. — Greenidge, *Roman Public Life*, p. 204.

may seem to us, the praetor was primarily a great statesman or politician whose final function it was to enforce the law. He was not necessarily a legal expert, as he looked for light and leading to the jurisconsults, who instructed him upon technical questions through the *responsa prudentium.*[18]

It is therefore natural that this great political office had to be sought at the hands of the people assembled in their *comitia,* and we know from a letter from Cicero to Atticus that a canvass for such an office brought the candidate into contact, in his time, with all forms of venality,[19] a condition of things which he says was growing worse with startling rapidity. To remedy such evils the Calpurnian reform bill, brought forward by the tribune Cornelius, was passed, providing that candidates who bribed were to forfeit not only the office gained but their seat in the Senate.[20] That measure, coupled with the proposal of Gabinius to invest Pompey with supreme command in the Mediterranean, and another by Otho to assign separate rows of seats in the theatres to the equestrian order, caused such popular tumults during the election held in the year 67 B.C. that the *comitia* for the election of praetors was twice adjourned without a definite result. In the midst of it all "nobody is kept in such perturbation at Rome at the present time as the candidates, by every sort of unreasonable demands. Through it all Cicero, who had seven competitors, stood at the head of the poll, and was thus elected when the third attempt at an election was successful.

Venality in elections.

[18] See above, p. 69.

[19] *Ad Att.,* i, 11: "Scito nihil tam exercitatum esse nunc Romae quam candidatos omnibus iniquitatibus." The *comitia* was twice postponed that year, evidently after the voting for Cicero had been completed. He was therefore able to say that he was "thrice returned at the head of the poll by a unanimous vote" (*De Imp. Pomp.,* § 2).

[20] Dio, xxxvi,

When he was inaugurated as praetor, January 1, 66 B.C., he was assigned the court with jurisdiction over extortion in the provinces *(mea de pecuniis repetundis)*, and in that way the new judge was called upon to preside at the trial of C. Licinius Macer,[21] who was charged with oppression and extortion while holding the praetorian government of Asia Minor. Despite his relations with Crassus, who supported him, Macer was convicted; and it is said that he destroyed himself, even before the *iudices* could render a formal judgment against him.

Cicero assigned the court for extortion in the provinces.

But Cicero's most notable performance during his praetorian year was his defense of the bill of Manilius to name a successor to Lucullus in the eastern campaign against Mithridates, it being understood of course that Gnaeus Pompey, now at the height of his fame, would be appointed. This was Cicero's first political speech, the first ever addressed to the people directly. He therefore said at the outset:

The Manilian law.

First political speech.

> Although, O Romans, your numerous assembly has always seemed to me the most agreeable body that anyone can address, and this place, which is most honorable to plead in, has also seemed always the most distinguished place for delivering an oration, still I have been prevented from trying this road to glory, which has at all times been entirely open to every virtuous man, not indeed by my own will, but by the system of life which I have adopted from my earliest years.[22]

As the extraordinary law in question, carrying with it the sea power, was at once repugnant to the republican institutions of Rome and the established authority of the Senate, the aristocracy, the *optimates*, led by Hortensius and Catulus, naturally opposed it. But the public-spirited

Opposed by Hortensius and Catulus.

[21] Ad Att., i. 4; Plut., ix; Val. Max., ix, 12.
[22] Cicero, *Pro Lege Manilia*, 1.

lawyer who now entered the arena of imperial politics had not yet announced himself as the champion of the supremacy of the Senate; he was full of political ambition, and eager for the support of those "who held the assemblies." He was born a member of the equestrian class, and the knights, whose business interests in Asia were seriously endangered by the war, were eager for Pompey to take command, so great was their confidence in his ability as a soldier. Cicero therefore moved cautiously amid the difficult problems before him, dealing tactfully with Lucullus, and at the same time paying a noble tribute to Pompey:

Noble tribute to Pompey.

> No feeling of avarice ever turned him aside from his destined course to think of booty; no licentiousness attracted him to pleasure; no delights to self-indulgence; curiosity never tempted him to explore cities, however famous; and in the midst of toil he shunned repose. . . . . I am not doing this at the request of any one, nor because I think to conciliate the favour of Cnaeus Pompeius by taking this side, nor in order, through the greatness of anyone else, to seek for myself protection against dangers, or aid in the acquirement of honors; . . . . I assure you that I have undertaken wholly for the sake of the Republic.[23]

This first performance took place in a *contio*, a meeting that could be called by any magistrate who had a matter to lay before the people, and was regularly held in the Comitium or the Forum. After a proposition of law *(rogatio)* had been offered, such a meeting was called so that the voters could hear the arguments pro and con after which, at the same or a subsequent occasion, the *comitia* voted yes or no on the bill at a meeting regularly called for that purpose. Cicero, who, strangely enough, was supported by Caesar, succeeded in his effort to ve

Cicero succeeded by the aid of Caesar.

[23] *Pro Lege Manil.*, xiv, 24.

Supreme command vested in Pompey.

ıe supreme command in Pompey, who, after ending the ar in the East and organizing the Roman power in that ıarter, returned in the year 61 B.C. covered with greater lory than had ever been won by any Roman before him.

With the progress of expansion it became the custom entrust the government of conquered provinces to pro-ɔnsuls and propraetors. All provinces were so governed fter the time of Sulla, one of his laws providing that ɔnsuls and praetors, immediately after the expiration of ıeir term of office in the city, should depart for their rovinces. But so set was Cicero's heart on the consul-ıip that he did not avail himself of that right at the end f his praetorship; he deemed it more prudent to remain t home so as to keep himself before the people.

Canvass for the consulship began in 65 B.C.

In the year 65 B.C. his memorable canvass for the con-ulship began, the announcement of his candidacy being ıade at the *comitia tributa* held for the election of trib-ınes, on July 17. An electioneering document known as

De Petitione Consulatus.

pistola de Petitione Consulatus, addressed to Cicero in ıe form of a letter or monograph prepared by his brother Quintus, probably with the assistance of Atticus then in ome, explains in an unusually vivid way electioneering ıctics as they were practiced at that time in such contests. he obvious purpose of this appeal was to belittle Cicero's ɔponents, and at the same time to place him in the most ıvorable light possible before the electorate. While it ılmitted that he was a new man, it asserted that he pos-ssed all that could be achieved by reflection, experience, ıd native endowments. An orator so distinguished as to ıve ex-consuls for clients certainly should be worthy of ɔnsular honors. He was commended for supporting ompey for command in the East, for undertaking the use of Manilius, and above all for his splendid defense

of the ex-tribune Cornelius, who had offended the Senat by proposing a law in the highest degree equitable. The writer concluded with an expression of the hope that agents of electoral bribery *(divisores)* would in this can vass be kept within proper limits, if there was to be any expenditure of money at all.

The *divisores.*

There was at this time at Rome a grave condition of economic unrest, of social discontent, aggravated by the gross disparity of conditions between the enormously wealthy province-robbing aristocracy and the bankrupt landlords and merchants of Italy, the disappointed and desperate outcasts from all classes of society among whom the popular party was now seeking support. The battle was on between the ins and the outs, between the privileged few and the suffering many.

Seven consular candidates in the field.

Seven candidates for the consulship were in the field, two nobles, Galba and Sacerdos; Conficius and Longinus, who were out of the running; Caius Antonius, who had held a command under Sulla; Catiline and Cicero. It the latter ever intended to join forces with Catiline, Crassus and Caesar were too quick for him; they made terms with Antonius and Catiline and put them forward as candidates of the popular party.[24] As such they agreed to unite their forces by making what the Romans called *coitio,* "a going together." Alarmed by such a combination, the conservatives resolved to unite in support of Cicero who, disgusted with democratic excesses, promptly consented to become their candidate.

Antonius and Catiline backed by Crassus and Caesar.

In the face of the preparations that followed for the purchase by Catiline and Antonius of the consular ele

[24] Catiline, with his unsleeping energy and bitterness against the conservatives, and Antonius, who was too unprincipled and too penurious to reject a golden opportunity, were exactly the instruments they needed. Ferrero, *Greatness and Decline of Rome,* vol. i, p. 226.

on through the employment of systematic bribery and orruption of every kind, to be extended, of course, beond the Roman populace to the new voters from the Italn towns, the Senate adopted a resolution suggesting that statute against corrupt practices, more stringent than he Calpurnian, should be submitted to the electorate. At he moment when the great council was aroused to anger y the defeat, through a tribune's veto, of that honest fort at reform, Cicero arose, only a few days before the lection, and assailed his two principal competitors in a peech known as "the oration in the white robe," [25] beause as a candidate he wore, according to custom, a white oga, emblematic no doubt of a pure election.

New statute against corrupt practices.

Speech, *in toga candida.*

From the fragments of this speech, preserved by Asconius, it appears "that on the night before, Catiline and Antonius with their agents met at the house of some man f noble birth, one very well known from, and habituated o, gains derived from this sort of liberality" — meaning, o doubt, as Asconius thinks, either the house of Caesar r Crassus, "for they were the most eager adversaries of Cicero, out of jealousy at the influence which he had cquired among the citizens."

It is certainly reasonable to suppose that both were nxious, while Pompey was far away in the East, to trengthen their personal hold upon affairs by placing reatures of their own in the consular offices. After questioning the power of the tribune Orestinus, whom Cicero ad defended in a criminal trial, to oppose the veto to the form bill just mentioned, he poured upon Catiline and ntonius a stream of hot invectives that excited, no doubt, the former, the bitter hatred which prompted him to ake, shortly afterward, an attempt upon the orator's

Bitter attack upon Catiline and Antonius.

[25] Lange, vol. iii, p. 232.

life. After speaking scornfully of Catiline's acquittal on the charge of extortion in Africa, he revived the memory of the infamous accusation as to the Vestal Fabia, saying:

Revives the memory of Fabia.

> Have you this dignity which you rely on, and, therefore, despise and scorn me? or that other dignity, which you have acquired by all the rest of your life? when you have lived in such a manner that there was no place so holy, that your presence did not bring suspicion of criminality into it, even when there was no guilt.[26]

Such was the stormy prelude to the election that occurred in the summer of 64 B.C. when the *comitia centuriata* met in the Campus Martius to determine who were to be the consuls for the succeeding year. After the people had been arranged in their centuries it was determined by lot which century should vote first.

How a consular election was conducted.

Each individual votes in the group to which he belongs, *curia, centuria,* or *tribus,* as the case may be; and it is by the majority of curies, centuries, or tribes that the decision of the assembly as a whole is given, the collective voice of each of the groups being reckoned as one vote, and a small group having as much weight as a large one.[27]

Vote taken by groups.

In such an assembly at Rome the vote of the entire body was taken by groups, just as in an American convention the vote of the entire body may be taken by delegations. The people were assembled in an enclosure, and —

> . . . . the enclosure was deemed large enough to hold all the privileged citizens, although where such space could be found or the Capitol or in the Forum is one of the mysteries of Roman topography. This enclosure was divided longitudinally into as many compartments *(consaepta)* as there were voting divisions. Each division was connected with the magistrate's tribunal through a gallery *(pons)* running the whole length of the enclosure, thi

[26] *In Toga Candida, Frag.* Ascon.

[27] Bryce, *Studies in Hist. and Jur.*, p. 711.

igh gallery being connected with the various voting compart-ients by separate descending *pontes*. The votes in each compart-ient were taken singly, and were given at the exits of the various *ontes*. . . . . The issue was decided by the vote of the groups.[28]

Issue decided by the vote of the groups.

When all the members of a century had voted, the tick-ts were taken out of the urns by scrutineers, the numbers ntered on tablets, and the result announced, the majority f the individual votes determining the vote of the cen-ury, and a majority of the centuries determining the elec-ion. In the *comitia centuriata,* which, because originally military organization, could only be convened outside f the city in the Campus Martius, the result might be eached before all the centuries were called on to vote, ecause as each vote was proclaimed immediately after he group had given it, the necessary majority might be btained before all the groups had voted. So great was Cicero's popularity, that the electors, instead of resorting o the ballot, proclaimed him consul by loud and unani-nous shouts — he carried all the thirty-five tribes.

Cicero carried all the thirty-five tribes.

But here the fact should not be forgotten that while he redistribution of the centuries in its final form assumed he existence of thirty-five tribes, there was no tribal vote; he unit of voting was still the century, and it was the umber of the centuries that decided the question. Cicero's record was clean, and the great middle class, who vere solidly behind him, desired to see one of their own rder, a "new man" *(novus homo),* raised to the consul-hip. During the three preceding generations, the only new man" who had reached that august station was his ellow-townsman, Marius, whose habit of being reëlected onsul became a kind of disease.

A "new man" raised to the consulate.

When Cicero actually reached the lonely eminence to

[28] Greenidge, *Roman Public Life,* pp. 258–59.

which he had so long aspired, he solemnly assured a crowded Senate on the very day he assumed office, January 1, 63 B.C., that he would seek "neither a province nor honor nor equipment whatsoever, nor advantage nor anything at all which a tribune of the people could oppose." His further assurance was, "I will, Conscript Fathers, so demean myself in this magistracy as to be able to chastise the tribunes if they are at enmity with the Republic, and despise them if they are at enmity with myself." The grave reason for that prompt announcement is to be found in the fact that during the month of December the tribune Rullus had published a complicated and revolutionary *lex agraria*, the first one of a troublesome kind since the tribunate of Drusus twenty-eight years before, the purpose of which was to appoint ten commissioners with absolute power for five years over all the revenues and forces of the Republic. The *decemviri* were to be authorized to distribute the revenues at pleasure to the citizens; to sell and buy what lands they saw fit; to require an account of all generals abroad, except Pompey, of the spoils taken in their wars;[29] and to settle colonies wherever they thought proper, especially at Capua.[30]

Assumed office as consul January 1, 63 B.C.

A radical *lex agraria.*

The primary purpose of Cicero's inaugural speech was to assure the Senate that he would oppose such a law and its promoters to the utmost of his power; and a few days later he came into the assembly of the people where he gave to his policy of opposition greater elaboration. The sudden boldness with which he thus appealed directly to the people themselves on this agrarian question was equaled by the consummate art with which he played upon

Inaugural delivered in Senate.

A bold appeal to the people.

[29] They were even authorized to use the money thus realized from the generals for the purchase of land in Italy to be distributed among the poor. Cf. Drümann, *G. R.*, vol. iii, pp. 148–49.

[30] See Plutarch's summary, xii.

heir feelings when he told them that Rullus was about to ive them ten royal masters armed with the power to nrich themselves without limit out of the public treasury. After saying:

Extracts from second speech.

I cannot find fault with the general principle of an agrarian aw, for it occurs to my mind that two most illustrious men, two ost able men, two men most thoroughly attached to the Roman eople, Tiberius and Caius Gracchus, established the people in ublic domains which had previously been occupied by private indiiduals, therefore, [he added] I applied myself to the consideration f this law with the hope that I would find it so designed as to romote your interests, and such an one as a consul who was really, ot in word only, devoted to the people, might honestly and cheerully advocate. But from the first clause of the proposed law to he last, O Romans, I find nothing else thought of, nothing else ntended, nothing else aimed at, but to appoint ten kings to the reasury of the revenues, of all the provinces, of the whole of the Republic, of the kingdoms allied with us, of the free nations onfederated with us — ten lords of the whole world, under the retense and name of an agrarian law.[31]

Law abandoned.

After another such speech in answer to calumnies with vhich the mute tribunes assailed him behind his back, they bandoned the whole matter.[32] The new consul had won vhat Niebuhr calls "one of the most brilliant achievenents of eloquence."

Upon the heels of that performance he was called upon o deal with another proposal put forward by a tribune esigned to restore full political rights to the children of nen proscribed by Sulla,[33] who, in execution of his policy f vengeance, had confiscated their property and decreed nat their descendants should be disqualified even from

Defeat of a law to restore political rights to those proscribed by Sulla.

[31] *De Lege Agr.*, ii, 5, 6.

[32] Cicero so enthralled the multitude that "They gave up to him the grarian Law, that is to say, their own bread." — Pliny, *Hist. Nat.*, vii, , 116.

[33] Dio, xxxvii, 25.

becoming candidates for office. As there was danger of internicine strife resulting from such a restoration of civil status, just as it might be, Cicero made so tactful a speech in opposition that the claimants themselves were induced to abandon the agitation. Then, in an equally remarkable manner, he was able to quell a threatened riot which began when Otho, the author of the law providing that certain rows of seats at public games or plays should be reserved for members of the equestrian class, was greeted upon entering the theatre by applause from the knights and by a storm of hisses from the common people. Cicero entering at that moment, invited the crowd to follow him to the neighboring temple of Bellona from the steps of which he made to them an extempore speech, unfortunately lost, which so completely pacified them that, after their return to the play, all factions joined in applauding the man they were on the point of mobbing. There must have been grim and irresistible good humor in the speech, because, from the hint of it we derive from Macrobius it appears that the orator upbraided them all for making such a noise when Roscius was acting.

How Cicero quelled a riot by his tact and eloquence.

Grim and irresistible good humor.

Such performances as these forced Pliny[34] to exclaim that Cicero was the first to win a civil triumph and the "laurels of the tongue." Surely "Some force of sweet persuasion sat upon his lips."[35] Is it fair to say that the statesman who won three such victories in rapid succession, by the direct assertion of almost mesmeric power over the people themselves, was not a man of action? And yet such is the verdict of one of the masters who has drawn a picture of him otherwise faultless, as he appeared at this time:

[34] Pliny, *Hist. Nat.*, vii, 30.

[35] As Eupolis of Pericles, so of him too one might have used the same commendatory line, πείθώ τις ἐπεκάθητο τοῖσι χείλεσιν. — Sihler, p. 136.

Pen-picture by Ferrero.

Cicero was not a man of action. He was untouched by the two reat passions, love of money and love of power, which drive men o face the perils of great social conflicts. He was an artist of the rst rank, an incomparable writer, a man of delicate sensibility, ively imagination, and strong and subtle intellect, whose supreme mbition was not to amass wealth or to exercise authority over his quals, but to win admiration. Apart from these great intellectual ualities and this characteristic ambition, he reproduced the dis-inctive traits which centuries of submission had imprinted on the talian middle class from which he sprang.[36]

Prosecution of Rabirius.

If the swift and indomitable prosecutor of Verres, who rove that case to a successful issue in the shortest time ossible, and in the face of obstacles that seemed insur-ıountable, had not yet earned the right to be called "a ıan of action," the rarest of all opportunities to win that istinction was now before him. It was no longer a ques-on of simply steering the bark in troubled waters — a orm was about to break that was to threaten the very fe of the state itself. The first cloud was the land bills ut forward by Rullus, a man of straw propelled by Cras-us and Caesar, who tempted the disaffected by proposing make war upon the rich, to break the bonds binding the ebtor to the creditor, in a word, to bring about a general distribution of public and private property.

Democratic move against the aristocracy.

The next democratic move against the aristocracy was te prosecution of the old senator Rabirius who was cused of having killed with his own hands a tribune of te people thirty-seven years before. The charge was ade by Labienus, an agent of Caesar,[37] who induced the aetor, also an accomplice, to send the case before two jdges *(duumviri)* of whom Caesar himself was one.[38]

[36] Ferrero, vol. i, p. 230, who quotes Boissier, *Ciceron et ses amis*, p. 38.

[37] Suet., *Caes.*, xii.

[38] As to the political significance of the trial, see Drumann, *G. R.*, vol. iii, p. 62; Mommsen, *R. G.*, vol. iii, p. 169; Ferrero, vol. i, p. 236.

When, after his condemnation to death by crucifixion, Rabirius appealed to the people, nothing helped him so much "as the bitterness of the judge." So stirred were the conservatives by the audacity of Caesar that Cicero came forward as the defender of Rabirius, telling the people, in an impassioned oration, that the real motive of the prosecution was not the head of the accused but the overthrow of established order, and of the state itself.[39] And yet, despite that appeal, Rabirius would have been condemned by the people had it not been for the device of a praetor who, in the midst of hostile clamor, dissolved the assembly by hauling down the flag on the Janiculum.[40]

Caesar made *pontifex maximus.*

Caesar, who, from his desperate situation, had been forced to become a demagogue, next made a bold stroke through which the election of *pontifex maximus* was taken away from the college of pontiffs and restored to the people by whose votes he was made the successor of Metellus Pius, despite the fact that he was "a bankrupt atheist, mixed up with all the vulgarest demagogues in Rome."[41] For that very reason it was the more necessary that he should so hedge himself about as the head of the established religion that no consul would dare to make way with him under conditions incident to a state of siege.

The menace of Crassus and Caesar.

With Crassus and Caesar thus aiding and abetting the democratic movement, whose avowed purpose was to proscribe the rich and to subvert for the time being all the ordinary guaranties of life and property, the conservatives, the people of wealth, rank, and privilege, with Cicero at their head, were naturally eager to enact such

[39] *Pro Rab. Perd.*, ii, 4.

[40] A signal in the early days of an attack of the Etruscans, involving the suspension of all public business.

[41] Ferrero, vol. i, p. 237.

additional laws as would prevent the electoral corruptionists from placing in the consulship for the next year the most dangerous revolutionist in the state.

During the Italian war a brawny young giant, descended from one of the oldest and proudest of the patrician families, had lifted himself to a bad eminence by the commission of atrocities that excited horror even in such times. Lucius Sergius Catiline had brought himself into notice by killing his brother-in-law with his own hands, and by torturing to death Marius Gratidianus, a kinsman of Cicero, whose bloody head he carried through the streets of Rome. He then cast upon the Vestal Fabia, the sister of Cicero's wife, the dark shadow of a name stained by every sensual crime. And yet he was an able man who was absolutely fearless, and possessed, as Cicero himself admitted, of certain attractions. He came out of the Second Punic War covered with wounds, and with the loss of his right hand whose place he supplied with one of iron.

Lucius Sergius Catiline.

His offenses against Cicero.

With such a record behind him, he entered the *cursus honorum*, first becoming praetor and then governor of Africa. When he returned from that field with money enough, as he thought, to buy the consulship, Clodius impeached him for extortion and oppression, which disqualified him as a candidate in the election for the year 65 B.C.

Impeached by Clodius for extortion and oppression.

As he was acquitted, no such obstacle stood in his way the next year when Cicero, whom he regarded as a parvenu, crossed the path of his ambition. That defeat by his brilliant rival only made him the more determined to stand again in the face of greater difficulties, accentuated by the news of the death of Mithridates which made the return of Pompey nearer. His brother-in-law, Nepos, one of his generals, had actually arrived and was a pros-

Second struggle for the consulship.

pective candidate for the tribunate.[42] It is not likely that in his second struggle Catiline had the support of Crassus and Caesar.

As the former was the largest creditor in Rome, it is hardly possible that he could endorse an election programme which emphatically promised a measure dispensing all debtors from paying their creditors. But such a revolutionary propaganda —

> . . . . found ardent and enthusiastic supporters in the most diverse quarters — among the dissipated youth and decadent aristocracy of Rome, among the poor in all parts of Italy, even among the middle class of well-to-do proprietors, whom the passion for speculation had driven into debt. Where Rullus had only ruffled the surface, Catiline moved society to the depths.[43]

Cicero leader of aristocracy and wealthy knights.

The counterblast to such a menace was a coalition between the respectable aristocracy and the wealthy knights who drew together for the defense of law and property. Cicero as their leader undertook to strengthen himself by purchasing the neutrality of his colleague Antonius through a transfer to him of his province of Macedonia, and the cause, by procuring a stringent addition to the Calpurnian law against electoral corruption, increasing the penalties and modifying the methods of voting to the disadvantage of Catiline. Thus hampered, he was called upon to face three other candidates for the consulship — Murena, an ex-general of Lucullus, Silanus, second husband to the mother of Brutus, and Sulpicius, the draftsman of the new electoral bill.

Candidates for the consulship.

In the midst of rumors that there was to be a general insurrection, that Catiline was summoning Sulla's veterans from Etruria, that there was to be a wholesale massacre of the Senate,[44] Cicero was receiving exact information a

[42] Plut., *Cat.*, v, 20. [43] Ferrero, vol. i, p. 243. [44] Plut., *Cic.*, xiv

CICERO SPEAKING IN THE SENATE AGAINST CATILINE. From the painting by Maccari.

all that was actually going on from Fulvia, a lady of
ady reputation, the mistress of Quintus Curius, who, if
ot a conspirator himself, was set as a spy among those
ho were. So great was his danger that the consul
rought from Reate in Sabinum [45] to the capital a body of
ung men for his personal service and protection. At
ch a critical moment Servius, the strongest of the con-
rvative candidates, who was unwilling to spend money in
fiance of his own law, withdrew from the contest,
nouncing at the same time his intention to prosecute
lurena for bribery. That scandal came upon the very
e of the elections which, according to the soundest view,
ok place in the last days of July or the first days of
ugust.[46]

Thus beset, Cicero attempted "to piece out the lion's
in with the fox's" by suddenly convening the Senate on
e day before the date fixed for the elections, solemnly
manding that the vote should be postponed for several
ys so that an inquiry might be had into dangers threat-
ing the life of the state. On the next day, after circu-
ting all current reports as to Catiline's designs, he chal-
nged him to come forward and speak for himself,
ping in that way to obtain some damaging admission.
it that artifice failed when Catiline replied with laconic
usqueness that—

Senate suddenly convened on eve of election.

> . . there were two bodies of the Republic — the one weak with
> weak head, the other powerful without a head — and that, as
> s last had deserved well of him, it should never want a head as
> ng as he lived.[47]

[45] A community of which he was *patronus*. — Cicero, *Pro M. Scauro*, xxvii.

[46] It was long believed that the elections took place in October, but John
shown, I think once and for all, that they took place at the normal time,
he end of July or the beginning of August. — C. John, *Die Entstehungs-
chichte der Catilinarischen Verschwörung*, pp. 750–55; Ferrero, vol. i,
49, note †.

[47] *Pro Mur.*, 25, 51; Plut., *Cic.*, xiv. Cf. John, *op. cit.*, p. 750.

That announcement that he would be the head of th only vigorous organ in the state — the people — was hi last word before the morning of the election when Cicero wearing a cuirass under his toga, took his place as presi dent of the assembly in which nobles and knights who ha never appeared in the Campus Martius in their lives cam to the voting booths. While the vote was close, the pro letariat was beaten down by the rich and powerful cor servative coalition; Catiline was defeated for a secon time; Murena and Silanus were elected consuls. Only on hope remained to Catiline, and that was that Muren might be condemned in the suit for bribery brought b Sulpicius, a hope that withered when Cicero himsel undertook his defense, finally securing his acquittal b the famous and elaborate oration which has come dow to us in a fairly perfect form.

Cicero presided in assembly with a cuirass under his toga.

Catiline defeated.

Cicero's defense of Murena.

Certainly, the more recent critics are right who clai that not until after his second defeat at the poll *(repulsa)*[48] did Catiline cast the die, when nothing r mained to him but a renunciation of all hopes of the cor sulship and retirement to private life. Rejecting such thought, the furious and baffled aspirant took the decisiv step by sending money to Manlius, an old soldier of Sull with which to recruit a small army on the southern foo hills of the Apennines, as an assurance to his partisans i the capital who were to attempt the assassination c Cicero and the forcible seizure of the consulship.[49] H hopes of success depended primarily upon Sulla's vetera soldiers, whose cause he had always espoused, and upo

After second defeat Catiline cast the die.

[48] There were three defeats if we count his abortive effort to become candidate in 65 B.C. The evidence is very inconclusive and contradicto as to the so-called "first conspiracy of Catiline," assigned to the end of t year 66 B.C. and the beginning of the year 65 B.C. Certainly the plot nev ripened into overt acts.

[49] Cf. John, pp. 755–91.

ne support of such senators of profligate lives and des-
erate fortunes as Lentulus, Cethegus, Gabinius, Statilius,
Longinus, Laeca, Publius and Servilius Sulla, Curius, Var-
unteius, Annius, and Bestia.

Months of August and September, 63 B.C., devoted to preparation.

During the months of August and September, devoted
y the conspirators to their preparations, it was impos-
ble to preserve secrecy, and as the rumors of the ap-
roaching revolution spread, the aroused conservatives
ecame more insistent for the proclamation of a state of
iege, or, as we should say, martial law. Impressed by
nat outcry and the personal dangers to which he was him-
elf exposed, Cicero convened the Senate for October 21,
eclaring at the sitting that he "knew all"; that he then
ad certain proof of the gravest charges against Catiline,
vhich could not have been true at that time.[50] Then it
as, after Catiline had given an insolent reply to an invi-
ation to clear himself, that the Senate proclaimed a state
f siege[51] by the adoption of the well-known resolution —
t *consules viderent ne quid detrimenti respublica caperet.*
ut the declaration was only a threat; it was not put into
xecution. There was then a lull in the storm until a great
nsation was caused by the news that Manlius was openly
t the head of an army in Etruria,[52] and that he had writ-
n letters to Marcius saying that he and his followers
ad taken up arms because they could no longer bear the
ebts by which they were burdened.[53]

Manlius at the head of an army in Etruria.

Meeting at the house of Laeca, November 6.

Then came the meeting on the night of November 6, in
e house of Porcius Laeca[54] where Catiline urged his

[50] That is proven by Plut., *Cic.*, xiv; Sall., *Cat.*, 30, and by Cicero himself, *Cat.*, i, 3.
[51] *Cat.*, i, iii, 7; i, 2.
[52] Sall., *Cat.*, xxx; Plut., *Cic.*, xv.
[53] Sall., *Cat.*, xxxiii.
[54] Cf. Tarentino, C. C., pp. 89f; John, p. 792.

friends to reinforce the movement of Manlius by inciting a general insurrection throughout Italy, to be begun by the assassination of his chief enemy, Cicero,[55] two knights who were present offering to visit the consul's house the next morning for that purpose.[56] But that move was cut short by Fulvia who carried the news immediately to Cicero who, on November 8, convened the Senate in extraordinary session in the temple of Jupiter Stator, only used for such purposes on occasions of great danger.

First Catilinarian, November 8.

Then it was that Cicero, with Catiline present and unabashed until he was shunned by all his colleagues, delivered the First Catilinarian, the brilliant invective addressed directly to the conspirator, in which he said:

> You are hemmed in on all sides; all your plans are clearer than the day to us; let me remind you of them. Do you recollect that on the 21st of October I said in the Senate that on a certain day which was to be the 27th of October, C. Manlius, the satellite and servant of your audacity, would be in arms? Was I mistaken, Catiline, not only in so important, so atrocious, so incredible a fact, but, what is much more remarkable, in the very day? I said also in the Senate that you had fixed the massacre of the nobles for the 28th day of October, when many chief men of the Senate had left Rome, not so much for the sake of saving themselves as of checking your designs.[57]

He had said already, in the course of the same speech:

> Long ago, Catiline, you ought to have been led forth to execution by the consul's order; and on your head ought to have fallen the destruction which you have long been plotting against us all.

Catiline driven from Rome never to return.

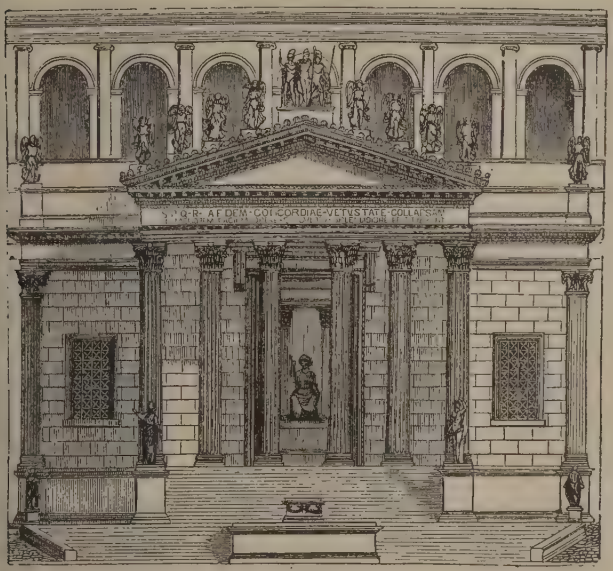
By that crushing denunciation Catiline was driven from Rome never to return. On the night following that great

[55] *Pro Sulla*, 18.

[56] When Varguntеius and Cornelius appeared at the door of Cicero's house they were not admitted. Sallust mentions both. Cicero (*pro Sulla* 6.) names only Cornelius.

[57] *Cat.*, i, 3.

day he passed out with a large bodyguard of armed men by the Aurelian Way which, after touching the Etruscan coast, turned eastward to Florentia and Faesulae,[58] leaving behind him a headless and irresolute group that lost their nerve the moment their leader had forsaken them.



TEMPLE OF CONCORD IN WHICH THE CATILINE CONSPIRATORS WERE CONDEMNED

On the next day, November 9, Cicero delivered the Second Catilinarian, in the form of a public address *(contio)* to the people in the Forum, whose note is one of exultation:

Second Catilinarian, November 9.

At length, O Romans, we have dismissed from the city, or driven out, or, when he was departing of his own accord, we have pursued with our words, Lucius Catiline, mad with audacity, breathing wickedness, impiously planning mischief to his country, threaten-

[58] Plut., xvi; Sall., *Cat.*, xxxiv.

ing fire and sword to you and to this city. He is gone, he has departed, he has disappeared, he has rushed out. No injury will now be prepared against these walls within the walls themselves by that monster and prodigy of wickedness. And we have, without controversy, defeated him, the sole general of this domestic war. For now that dagger will no longer hover about our sides; we shall not be afraid in the campus, in the Forum, in the senate-house, — aye, and within our own private walls. . . . . What I have been waiting for, that I have gained — namely, that you should all see that a conspiracy has been openly formed against the Republic; unless, indeed, there be anyone who thinks that those who are like Catiline do not agree with Catiline. There is no longer room for levity; the business itself demands severity. One thing, even now, I will grant — let them depart, let them be gone. . . . . As to the future, I cannot now forget that this is my country, that I am the consul of these citizens; that I must either live with them, or die for them. There is no guard at the gate, no one plotting against their path; if anyone wishes to go, he can provide for himself; but if anyone stirs in the city, and if I detect not only any action, but any attempt or design against the country, he shall feel that there are in this city vigilant consuls, eminent magistrates, a brave Senate, arms, and prisons, which our ancestors appointed as the avengers of nefarious and convicted crimes.[59]

Fatal intrigue with Allobrogian envoys.

The feeble partisans Catiline had left behind him, such as Cethegus, Statilius, Ceparius, and Lentulus, who were to carry on the work at the capital by inciting the slaves and the proletariat to rebellion, by slaying Cicero and all the senators in the midst of a general commotion to be heightened by firing the city in several places at the same time, planned their own destruction when they approached the ambassadors of the Allobroges who had come to Rome to present certain grievances of their country whose limits were nearly identical with those of modern Savoy. For certain inducements these Gauls were asked to kindle the flames of war beyond the Alps by sending pikemen

[59] *Cat.*, ii, 1, 4, 12.

nd cavalry to assist the revolutionary forces in that quarter.

Conference in the house of Sempronia, wife of Brutus.

After a conference in the house of Sempronia, the wife of Brutus, who was absent, the Gauls withdrew, and communicated with their advocate Sanga, who conferred at once with Cicero. The masterful criminal lawyer who knew how to gather evidence explained to the two envoys how to trap the conspirators by demanding of them sworn promises in writing to be sent to their people in Gaul.[60] After such documents had been obtained from all the leaders at Rome it was agreed that the envoys should return, accompanied by Volturcius, who had received from Lentulus[61] a short unsigned letter to Catiline with whom they were to confer on the way home. Departing on the night of December 2-3 by the Flaminian Way, the envoys, as they passed over the Mulvian bridge, less than two miles north of the city, were seized by two praetors who had been stationed there with guards in ambush.

The Mulvian bridge, December 2–3.

With the incriminating documents thus secured, Cicero, moving with great rapidity, had the chief conspirators, Lentulus, Cethegus, Statilius, and Gabinius, arrested and brought first to his house in the Carinae and thence to the Senate for a judicial inquiry which consumed nearly all of December 3. There the conspirators, confronted by the ambassadors and by their own letters, were surprised into confession. At the end of the cross-examination before the Senate, which sat on this occasion in the temple of Concord, Cicero, as he passed out, received a great ovation. He then crossed over to the Rostra, near the temple, in order to explain to the waiting populace all that had occurred. In a discourse known as the Third Catilinarian, he said:

[60] Sall., *Cat.*, xliv.

[61] *Cat.*, iii, 5; Sall., *Cat.*, xliv.

Third Catilinarian, December 3.

I introduced Volturcius without the Gauls. By the command of the Senate I pledged him the public faith for his safety. I exhorted him fearlessly to tell all he knew. Then, when he had scarcely recovered himself from his great alarm, he said that he had messages and letters for Catiline from Publius Lentulus to avail himself of the guard of the slaves, and to come toward the city with his army as quickly as possible; and that was to be done with the intention that when they had set fire to the city on all sides, as it had been arranged and distributed, and had made a great massacre of the citizens, he might be at hand to catch those who fled, and to join himself to the leaders within the city. [Fearing lest he should be blamed for permitting Catiline to escape, Cicero said:] Unless I had driven this man, so active, so ready, so audacious, so crafty, so vigilant in wickedness, so industrious in criminal exploits, from his plots within the city to the open warfare of the camp (I will express my honest opinion, O citizens), I should not easily have removed from your necks so vast a weight of evil.

Excuse for permitting Catiline to escape.

When, on the next day, the Senate continued the inquiry by hearing other witnesses, some of the conservative chiefs attempted to induce the conspirators to confess that Caesar and Crassus had been parties to the plot. But the senators refused to believe the informers. And so the session ended after rewards had been voted to Volturcius and the Allobrogian envoys; and after Cicero had received the splendid title of "Father of his country" — an unprecedented honor accorded him in a resolution decreeing public thanksgiving to the gods for the services he had rendered "in preserving the city from conflagration, the citizens from massacre, Italy from war."

Attempt to involve Caesar and Crassus.

Honors for Cicero.

Debate on the death penalty, December 5.

The great day was December 5, when the Senate met under the presidency of Cicero to debate the death penalty while the excited populace, blocking the Forum, the temples, and all the streets in the neighborhood, awaited the result. After Silanus, one of the consuls for the next year, who was requested to speak first, had given his

pinion in favor of the death penalty, all who followed xpressed the same view until Caesar, praetor elect, was eached. He, after censuring the crime of the accused, roposed imprisonment and confiscation without the power f remission of the sentence, because, he said, the death enalty was both dangerous and illegal. Thus a grave onstitutional question was raised involving the power of ie Senate to inflict the death penalty under the resolu- on of October 21 declaring martial law.

A grave constitutional question.

As the Senate was not a judicial tribunal, and as the onstitution gave it, as such, no power to inflict the death enalty, its power to inflict it in this case depended upon ie resolution in question, if it existed at all. A distin- uished jurist has suggested that the supreme power of fe and death had been given by the resolution of October 1 to the consuls, but that they had abdicated that power y referring the decision to the Senate, thereby casting ie responsibility upon that body.[62] Under such condi- ons did the *lex Valeria,* allowing an appeal to the people their centuries against every sentence of a magistrate, ill prevail against a *decreteum ultimum.* The highest uthority on the subject says:

Forsyth's view.

> This guardianship of the state against conspiracies *(conjura- ones)* may have been the precedent for a power, the legality of hich, as exercised by the Senate during the last century of the public, was hotly contested. . . . . Yet Roman sentiment would ve declared that there were times when the decree and its con-

Greenidge's view.

[62] Forsyth, *Life of Cicero,* vol. i, p. 152. For Niebuhr's view, see *Hist. Rome,* vol. v, p. 25; for Mommsen's, *Gesch. Röm.,* bk. v, ch. 5. After eaking, in his *Roman History,* of Cicero's act as "a brutal judicial urder," Mommsen, in his more recent work, the *Staatsrecht* (vol. iii, 1246), holds that the *Senatus consultum ultimum* did really and legally stify the consul in treating all conspiring citizens as enemies when found Roman territory. His final complaint against Cicero seems to be that he ould have consulted the Senate at all instead of putting the conspirators death on his own responsibility.

sequences were justified. Force can only be met by force, and a gathering such as Catiline's army in Etruria was a fair object of attack by the executive authorities; but sentiment would not have allowed the execution, without appeal, of a few prisoners captured within the city, however grave the danger.[63]

Against that claim that the "few prisoners captured within the city" did have the right of appeal to the people another acute specialist urges the fact that no such appeal was taken:

Sihler's view.

Did Caesar move for a regular trial, whether for *maiestas* or *perduellio,* under the statutes (of Sulla) then in force? Did he move for any trial at all? Did he seriously question the constitutional right of the Senate? Did he speak of an appeal? Not at all.[64]

To laymen such an argument is impressive, but not to constitutional lawyers who know that if a tribunal that takes away life is without jurisdiction to render the judgment, its act is illegal and void, no matter whether the accused is active or passive. Cicero, evidently appreciating the difficulty in which he would be placed, if called upon to execute an extra-constitutional sentence, delivered at that point the Fourth Catilinarian in which, despite its ambiguous terms, he indicated a decided inclination toward Caesar's views. He made it plain, however, that he was quite ready to execute the decree of the Senate whatever it might be:

Fourth Catilinarian.

Now, O Conscript Fathers, I see what is my interest; if you follow the opinion of Caius Caesar (since he has adopted this path in the Republic which is accounted the popular one), perhaps since he is the author and promoter of this opinion, the popular violence

[63] Greenidge, *Roman Public Life,* pp. 279–80.

[64] Sihler, pp. 163-64. See also the article of G. W. Botsford, "On the Legality of the Trial and Condemnation of the Catilinarian Conspirators," in the *Classical Weekly,* N. Y., March 1, 1913, p. 130.

vill be less to be dreaded by me; if you adopt the other opinion, I now not whether I am not likely to have more trouble; but still et the advantage of the Republic outweigh the consideration of my anger. . . . .

I seem to myself to see this city, the light of the world, and the itadel of all nations, falling on a sudden by one conflagration. I ee in my mind's eye miserable and unburied heaps of cities in my uried country, the sight of Cethegus and his madness raging amid our slaughter ever present to my sight. But when I have set efore myself Lentulus reigning as he himself confesses that he had oped was his destiny, and this Gabinius arrayed in the purple, nd Catiline arrived with his arms, then I shudder at the lamenta- ion of matrons, and the flight of virgins and of boys, and the ısults of the vestal virgins; and because these things appear to ıe exceedingly miserable and pitiable therefore I show myself evere and vigorous to those who have wished to bring about this tate of things. . . . . Therefore, O Conscript Fathers, determine vith care, as you have begun, and boldly, concerning your own afety and that of the Roman people, and concerning your wives nd children; concerning your altars and your hearths, your shrines nd temples; concerning the houses and homes of the whole city; oncerning your dominion, your liberty, and the safety of Italy and he whole republic. For you have a consul who will not hesitate o obey your decrees, and who will be able, as long as he lives, to lefend what you decide on, and of his own power to execute it.[65]

Cicero in one of his letters to Atticus makes it plain hat the senators were still inclined to the views of Caesar ıntil the tide was suddenly turned by Cato's fiery appeal ı which he imperiously demanded that law and order hould be upheld by the infliction of the death penalty. A ıajority of the wavering Senate, who were thus driven ɔ that conclusion by the tribune elect, escorted him to his ouse.[66] Most of the senators, not including Caesar, then ɔined another procession that escorted the consul through ıe streets as he took the conspirators, Lentulus, Cethe-

Cato's fiery appeal forced the death sentence.

Conspirators strangled in the Mamertine.

[65] *Cat.*, v, 6, 11.

[66] Vell., ii, 35.

gus, Statilius, and Gabinius from the different houses in which they were guarded, to the lower vault of the Mamertine prison [67] where they were strangled by the soldiers who acted as public executioners. After all was over, Cicero announced to the awe-struck multitude the fate of the traitors in a single word: *Vixerunt*—"They have ceased to live." [68] He then returned to his house in the midst of an enthusiastic demonstration of confidence. In the words of Plutarch: "The women showed lights from the tops of the houses in honor of Cicero, and to behold him returning with a splendid retinue of the principal citizens." A few weeks later Catiline, who had been able to arm only a few thousand men, after a bloody battle in which he fought with desperate bravery, was defeated and killed at Pistoria in Etruria. His head was sent to Rome.

Demonstration in Cicero's honor.

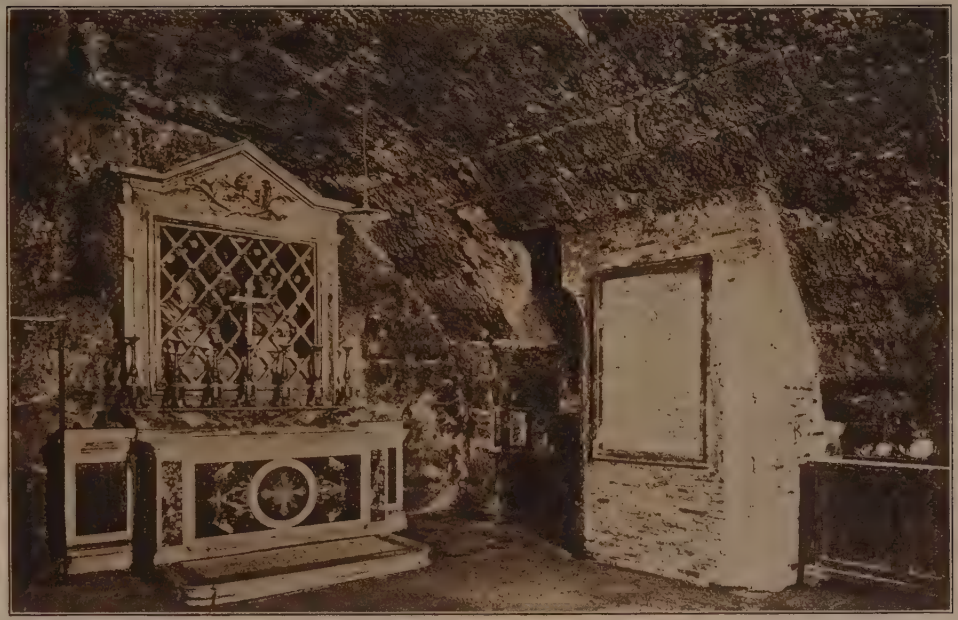
Despite the fact that Cicero was still to hold the offices of augur and proconsul in Cilicia, his career as a statesman, as a director of public affairs at Rome, was now at an end. Nothing remained but a last word to the people before the inauguration of the new consuls, Murena and Silanus, on January 1, 62 B.C. But alas! in speaking that final word a bitter cup was pressed to his lips that did not pass from him in all the sad disappointing years that were yet to come. When on December 31, he attempted according to custom, to deliver his farewell address on laying down his office, Metellus Nepos, one of the new tribunes, after covering the Rostra with benches, so as

Close of his career as a statesman.

Farewell address cut off by tribune's veto.

[67] Servius Tullius completed this prison by the addition of a subterranean dungeon called, after him, Tullianum. The traveler who visits may still recognize the fidelity of Sallust's description. Sall., *Cat.*, 55; cf. Varro, *L. L. V.*, § 151.

[68] "So," says Plutarch, "the Romans, to avoid inauspicious language name those that are dead." Cf. Sall., *Cat.*, 50 *sqq.*



MAMERTINE PRISON IN WHICH THE CATILINE CONSPIRATORS WERE EXECUTED.
Now the "Chapel of St. Peter in Carcere."

prevent the consul from standing there, interposed his
to upon the ground that no man should be allowed to
eak to the people who had condemned Roman citizens
death without a trial. With his usual quickness Cicero
rned the unprecedented insult to a magistrate to a good
count, when, instead of taking the traditional oath of
tgoing consuls, he devised one of his own. Raising his
ice so that it could be heard by all, he swore that dur-
g his consulship he had saved the state and conserved
e empire,[69] the people answering, "you have spoken
ue."[70]

Swore that he had saved the state and conserved the empire.

[69] *Ad Fam.*, v, 2. [70] Cicero, *In Pisonem*, 3.

CHAPTER VIII

CICERO AND POMPEY

An attempt has been made heretofore to emphasiz the fact that when Cicero entered public life as a mem ber of the Roman bar the administration of law wa subject to the overshadowing influence of Sulla,[1] a suc cessful general, who, after his return from the first Mith ridatic war, won the dictatorship by crushing the Maria party.

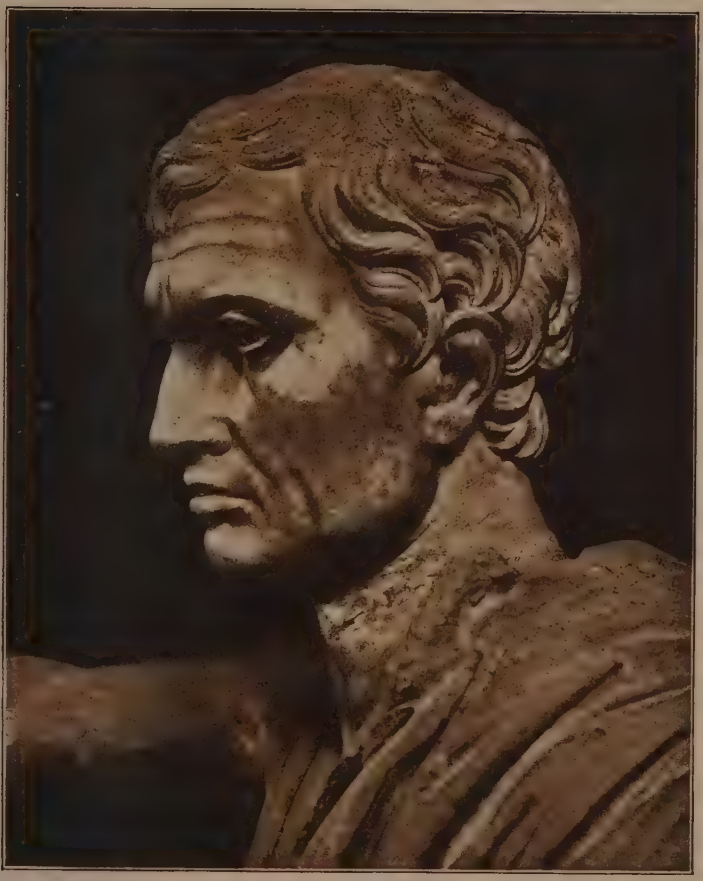
At the end of his public life as a statesman, Cicer was to feel the overshadowing influence of another suc cessful general, who, after his return from the last Mithri datic war, was to establish as the conqueror of Spain Africa, and Asia, a virtual dictatorship, destined to con tinue until near the close of his life in 43 B.C. During th fourteen years that intervened between the end of Cicero' consulship in the year 63 B.C. and Pompey's overthro at Pharsalia in the year 48 B.C., the histories of thes two men, born in the same year, are inseparable. Th only permanent thing Sulla left behind him was a type o statesman new to the history of Rome — "the type of military chief at the head of a devoted army which h controls by his money and by the sword."[2]

Sulla, Pompey, and Caesar as types.

After Sulla had passed away, that type was reproduce in a more permanent form in Pompey; and after he ha passed away, in a still more permanent form in Caesa All that remained of life to Cicero, excepting his las year, was to be passed beneath the shadows first c

[1] See above, p. 115.

[2] Ferrero, *Greatness and Decline of Rome*, vol. i, p. 105.



POMPEY THE GREAT. Spada Palace.

ompey and then of Caesar. As the downfall of the epublic draws near, events cluster around the names of few great military chiefs, and in that way its annals come rather biographical than historical.

As a soldier under Sulla, Cnaeus Pompeius, in common nglish form Pompey, connected himself with the aris- cratic party; and the victories he won over the Marian rmies at home, which brought to him the title of *im- rator,* were soon followed by triumphs over the larians in Sicily and Africa, which prompted Sulla to ve him the surname of Magnus. Next came his vic- ries in Spain over the Marian leader Sestorius; and en the final blow to the slave insurrection headed by partacus. Thus it was that he won in 71 B.C. the con- lship with Crassus, and a triumph in honor of his Span- n successes. Four years later, on motion of the tribune abinius, he was entrusted with the extraordinary com- and created specially for the extermination of piracy the Mediterranean, resulting in swift and complete ctory.[3]

Sulla's leadership of the aristocracy.

Consul with Crassus in 71 B.C.

It is not therefore strange that in the next year the bune Manilius should have asked for a vote of the ople placing the invincible one in supreme command of me's empire in the East in order that the prolonged ar with Mithridates, king of Pontus, who had recov- ed from defeats inflicted upon him by Lucullus, might brought to a close. With that task accomplished, he rned southward, and, after conquering Syria and Phoe- cia, he entered Palestine, taking, after a short siege, e city of Jerusalem.[4]

Supreme command in the East.

[3] Plut., *Pomp.*, 25; Dio, xxxvi, 6; Livy, *Epit.*, c.

[4] Josephus, *Antiquities of the Jews*, xiv, 4, 4; Zon., v, 6. But Cnaeus npeius, after he had taken Jerusalem, though he was a conqueror, touched thing which was in that temple — Cic., *Pro Flac.*, 28. The Jews must

The Romans were thus brought into contact for th first time with a people whose religion was destined t exercise such a profound influence upon the mighty fabri the empire founders were building up. There is sufficien evidence to justify the belief that after Pompey had in vaded the *penetralia* of the Temple, and gazed upon it mysteries and its treasures, he was so overawed that h left all untouched, despite the fact that he found n statue or picture of the Godhead. Tacitus says:

God of the Jews described by Tacitus.

> The Jews acknowledge one God only, and Him they see i the mind's eye, and Him they adore in contemplation, condemnin as impious idolators all who, with perishable materials, wrough into the human form, attempt to give a representation of th Deity. The God of the Jews is the great governing Mind tha directs and guides the whole form of nature, eternal, infinite, an neither capable of change nor subject to decay. In consequenc no statue was to be seen in their city, much less in their temple

> Nothing perhaps is more remarkable than the fact that if th Aryan world of Europe has learned its arts and its laws fro its own elder brethren, it is from the Semitic stranger that it ha learned its faith.[6]

Pompey's return in 62 B.C.

Toward the middle of the year 62 B.C., Pompey wa about to return to Rome after five years of absence and everyone was uneasy as to what the most famous the most powerful, the wealthiest Roman would do Would he come at the head of his army, abolish th Republic, and then make himself dictator? Certain was that he would exercise an immense influence, an for that reason everyone was eager to ascertain hi views and to enlist his interest in pending problems.

have been brought to Rome in great numbers after Pompey's conques because Cicero says that in five years they became so numerous and influen tial that they disturbed the popular assemblies and that an orator who d not desire to raise a storm was compelled to conciliate them. — *Pro Flac.*, 2

[5] *Hist.*, v, 5.

[6] Freeman, *Comparative Politics*, p. 32.

At that moment one of the *on-dits* in the political and cial world at Rome was the trial of Clodius, a young istocratic degenerate who had violated the mysteries of e *Bona Dea,* recently celebrated, according to custom, the house of the first praetor, Caesar.[7] Something like nsternation passed over the city when it was reported at at a solemn religious festival in honor of the goddess no gave fruitfulness in marriage, and at which even the ctures and statues of all men were veiled,[8] a young ofligate had intruded himself dressed as a woman, her to gratify prurient curiosity, or, what was far orse, to have a liaison with the lady of the house, aesar's wife, Pompeia.

Trial of Clodius.

His liaison with Pompeia.

After the college of pontiffs had declared the act to a sacrilege, the Senate suggested that the consuls should oppose a bill in the assembly providing that the *judices* ould be selected by the praetor and not chosen by lot, those selected in that way might be easily accessible to ibes.[9] So matters stood when Pompey landed at Brunsium, disbanded his army, to the surprise and delight the conservatives, and then moved toward Rome with small suite, intent only on a triumph. When during s approach he was asked publicly for his opinion as to e manner in which the *judices* in the trial of Clodius ould be drawn, he avoided a conflict with the Senate the one hand and the populace on the other by giving evasive answer.

Pompey's neutrality.

After a furious contest in the assembly, a compromise ll was passed which, after declaring the act in question sacrilege, provided that the *judices* should be chosen lot out of the *decuriae,* representing a limited number

[7] Plut., *Caes.*, 9–10.
[8] Juvenal says that even a male mouse dared not show himself.
[9] *Ad Att.*, i, 13; i, 16.

of the Senate. Before the trial came on in the yea 61 B.C., the cause of Clodius had been espoused by th popular party, now openly denouncing what it called th illegal executions of the accomplices of Catiline. At th trial Clodius pleaded an alibi, contending that he wa at Interamna some sixty miles from Rome when th crime was committed. As Caesar, when examined as witness, said he knew nothing,[10] the defense might hav prevailed on the facts had not Cicero, who appeared as witness, deposed that three hours before the commissio of the crime Clodius had called to pay his respects at hi house.[11]

Caesar and Cicero as witnesses.

But somebody's gold, undoubtedly that of Crassus went forth to swell the cry of the democrats who wer declaring that those who had perished on December 5 i the Mamertine prison were really assassinated, despit the fact that Clodius himself, the sworn enemy of Cat line, had supported Cicero at that time. While Caesa took no active part in the trial he divorced his wif Pompeia, declaring, according to Plutarch, that "Caesar' wife should be above suspicion." If the same authorit is to be believed, Cicero was drawn into the position c a voluntary witness in order to quiet the suspicions c the jealous and shrewish Terentia as to Clodia, the siste of Clodius, a most degraded woman who is said to hav purchased a garden near a bathing place for young me on the banks of the Tiber, where she received the mo profligate of the Roman nobility. Those who preten to believe Plutarch, in order to impugn the motives c Cicero, say that to allay the suspicions of Terentia h made the assault upon the brother of Clodia.[12]

Pompeia divorced.

Cicero and Clodia.

[10] Plut., *Caes.*, 10.
[11] Val. Max., viii, 5, 5; *Ad Att.*, i, 16.
[12] Plut., *Cic.*, 29.

According to ancient chroniclers each of the purchased *dices* in the case of Clodius, who was acquitted by a ote of thirty-one to twenty-five, received something like ur hundred thousand sesterces[13] — a condition of ings which filled the mind of Cicero with the most oomy forebodings for the future of the Republic. In letter to Atticus he said:

Clodius acquitted through bribery.

> A state of things which seemed fixed and founded on the union the better class and the prestige of my consulate, unless some wer above have mercy upon us, has been surely made to slip from r hands, by this one verdict, if you call it a verdict, when thirty dividuals, the most frivolous among the Roman people, upon ceiving some paltry coin, are destroying all human and divine inciple.[14]

Under such provocation the great master of denunciaon could not keep silent. After denouncing Clodius in the nate and elsewhere, he published a carefully prepared vective against him of which only a few fragments surve. The following extract may be given as a specimen:

Cicero's invective against him.

> O extraordinary prodigy! O you monster! are you not ashamed the sight of this temple and of this city, nor of your life, nor of e light of day? Do you, who were clad in woman's attire, dare assume a manly voice — you, whose infamous lust and adultery, ited with impiety, was not delayed even by the time required to born witnesses to procure your acquittal? Did you, when your et were being bound with bandages, when an Egyptian turban d veil were being fitted on your head, and when you were with fficulty trying to get down the sleeved tunic over your arms, when u were being girdled carefully with a sash — did you never in that time recollect that you were the grandson of Appius audius?[15]

[13] "What did you want a guard for?" asked Catulus of one of the *judices*. Were you afraid lest you should be robbed of your bribe?"

[14] *Ad Att.*, i, 16.

[15] Printed by Orelli, according to the corrections of Beier, from the mbrosian manuscript.

The consequences.

As Cicero thus applied the scourge to the back o Clodius, he applied it, some years later, to the back o Mark Antony. The vengeful counterblast of the forme culminated in a movement that fired his house and drov him into exile; the vengeful counterblast of the latte culminated in his assassination.

Cicero's desire to impress Pompey.

In the midst of all his perplexities the ex-consul wa consumed with the desire to impress upon the great cap tain the fact that while he had been doing great thing in the East, he himself had been doing even greate things at home. He was eager to make Pompe understand "his consular achievements" in the suppres sion of the great conspiracy, which, in a letter addresse to the returning conqueror, he said had been in th process of formation since January 1, 65 B.C. Wounde as he was by Pompey's cold and unappreciative reply it is not strange that he should have sneered a Pompey's first address to the people, which he sai fell flat because unpleasing to the rich, distasteful t the poor, spiritless to the wicked, and trifling to th good.[16]

His time came however, when, after Pompey had mad his first speech in the Senate, Crassus rose and paid glowing tribute to Cicero's splendid services in savin the state, saying that whenever he thought of his wife his home, his country, he realized that he owed every thing, even life itself, to the great consul, Cicero. Wit his favorite theme thus happily introduced, Cicero bega his reply in the presence of Pompey, who had neve heard him before, determined to exhibit himself to th best advantage.

[16] *Ad Att.*, i, 14: "Non jucunda miseris, inanis improbis, beatis nc grata, bonis non gravis: itaque frigebat."

His first speech in his presence.

But I, good gods, how did I vaunt myself before my new hearer mpey! If ever periods, transitions, the syllogisms of oratory, the king of points by amplification — they were at my service on at occasion. Why say more? There was a roar of applause. For s was my theme: about the decisive importance of the senatorial ss, about harmony with the equestrian class, about the utterly funct remnants of the conspiracy, about the reduced cost of liv-, about peace and order. You know well how I can thunder on opic like this. It was so loud, in fact, that I may cut short my scription, as I think you must have heard it in Epirus.[17]

The great house on the Palatine.

It was at this moment when the pulses of his vanity ere beating strong, and when he was over-stimulated rhaps by the social aspirations of the aristocratic erentia, that he made the grave mistake of exchanging e old-fashioned home of his father in the Carinae for splendid mansion on the Palatine, purchased from assus at the enormous price of three and one-half llion sesterces. Its atrium was adorned with columns Greek marble thirty-eight feet high. He was now a ghbor of Caesar, who dwelt in the Regia near by.[18] In order to make such a purchase, and to maintain h establishments, it is clear that, in defiance of the ncian law, no longer strictly observed,[19] he was obliged call upon his clients for contributions in the form of ns without interest.[20] From money so contributed, or the form of legacies, must have been made up his enor-

Sources of his enormous income.

[17] *Ad Att.*, i, 14.

[18] *Ibid.*, xii, 45.

[19] "La loi Cincia, en ce qui concerne cette disposition particulière, étant anachronisme. Dirigée contre l'abus des honoraires exagérés, contre lisence des avocats, comme dit Tacite, elle aurait pu produire de bons ultats: absolue dans ses prohibitions, elle ne fut respectée que par un it nombre d'orateurs intéressés à faire parade d'une générosité qui leur fitait." — Grellet-Dumazeau, *Le Barreau Romain*, p. 118.

[20] According to Gellius (xii, 12), Cicero, not having the ready money to ke the purchase in question, accepted a loan of two million sesterces m P. Sulla, a client, then under indictment.

mous income which could not have been derived in an more legitimate way. At the end of that year, 62 B.C. he writes to Sestius:

> Let me tell you, I am so deep in debt as to desire to enter in a conspiracy myself. But my credit is fairly good on the Forum the money lenders know who raised the siege from which th were suffering. I can borrow money at six per cent.[21]

Contributions from Antonius.

At this time it was that his client Publius Sulla le him two million sesterces; and in addition to that had his agreement with his colleague Antonius who, consideration of the surrender to him of his provin of Macedonia, was to send to Cicero a certain part his gains. That subject was certainly alluded to in le ters to Atticus (i, 12), in which the identity of Antoni or his agent at Rome, was concealed under the nicknar *Teukris*. But the ex-consul was not alone in his financi embarrassments. At that moment the ex-praetor Caesa about to depart for his new province of Spain in ord to enrich himself, was threatened by certain of his cre itors, instigated by his political enemies, with the seizu of his baggage in the event that he failed to settle bundle of old unpaid bills of exchange held by the Not until after Crassus had offered guaranties that l creditors could not question, was the coming great o able to depart in peace.[22]

Caesar's baggage seized for debt.

Pompey's gorgeous triumph.

The contrast is certainly striking between the bar rupt Caesar and the over-rich Pompey, who delayed un September, 61 B.C., the celebration of the most gorgec triumph Rome had ever beheld. The first day was oc pied with the display of the marvelous jewels, statu and money treasure of which the conquered had be despoiled. By fresh tribute from the new provinces

[21] *Ad Fam.*, v, 6. [22] Plut., *Caes.*, ii; App., *B. C.*, ii,

evenue of the Republic had been raised from fifty to ghty million drachmae, while some sixty million rachmae (£2,500,000) had been brought back as a lump m to be paid into the treasury of the state. The second ay, Pompey's birthday, was occupied by the display of roups of unchained prisoners, of a crowd of princes nd hostages, seven sons of Mithridates, and many Alba- an and Iberian chiefs, followed by the Great Captain mself, clothed in a tunic said to have belonged to Alex- nder the Great, and escorted by a brilliant guard on orseback and on foot.[23]

And yet this statesman of the new type, who had pur- nased the election of his general Afranius as consul or the next year, with Celer, the brother-in-law of lodius, as his colleague, was wise enough at the close f the great pageant, to withdraw quietly as a private tizen to his own house. He was preparing to enter olitics — a move that involved the making of party ties nd the formation of judicious personal alliances. The nning hand that was to guide him was that of Caesar, ho returned hurriedly from Spain about the middle of e year 60 B.C. to stand as a candidate for the consul- ip for 59 B.C. His horoscope was already cast. oman expansion had before it at that time as possibili- es the annexation of Egypt, the invasion of Parthia, and st and most important of all, extension of dominion Europe toward the Danube and the Rhine.

He prepares to enter politics.

Into that vast field Caesar was destined to go in order win such fame and fortune as Pompey had found else- here. But before he could begin it was necessary for m to attach himself to the two most powerful men in

Caesar's ambitions.

[23] App., *Mithr.*, 116–17; Pliny, *N. H.*, xxxvii, 2, 16; Plut., *Pomp.*, 45; rrero, vol. i, pp. 278–79.

the state, the one the holder of the purse, the other o the sword. Fortune favored him when Ptolemy Aulete who had been robbed of his kingdom, resolved to offe to Crassus, Pompey, and Caesar the enormous sum c 6,000 talents if they would secure for him from Rom despite the hesitation of the Senate, recognition as a legit mate sovereign. In order to secure adequate popula support in a struggle with the conservatives in that bod which had not yet ratified Pompey's administration in th East, Caesar resolved to revive the moderate democrat party in such a way as to enable it to secure the suppo of the upper and middle classes, as in the year 70 B.C.

Revived moderate democratic party.

In order to place his coalition on such a basis as woul secure the support of the moderate senators, actually majority of the whole, who had assumed such a reactio ary attitude since the conspiracy of Catiline, he propose to place the direction of affairs in the hands of a *quatuo virate,* Cicero, Crassus, Pompey, and Caesar. The fir named was told "that Caesar in all things would ava himself of Pompey's counsel and my own, and wou exert himself to bring about a union of Crassus wi Pompey."[24] While Cicero was greatly flattered, aft hesitating, he declined. But that failure did not ups Caesar's plan as a whole; the "Three-Headed Monster as Varro called it, was born; the fame of Pompey, t wealth of Crassus, and the genius of Caesar were co bined in what would now be called "a political ring an unofficial body that took upon itself the entire directi of public affairs.

Proposed a *quatuor-virate.*

The three-headed monster born.

The old hostility between Pompey and Crassus w broken down, a fact for some time kept secret; Caes was elected consul, with Bibulus, a reactionary conser

Caesar and Bibulus consuls for 59 B.C.

[24] *Ad Att.,* ii, 3.

tive, as his colleague;[25] and, by a direct appeal to the assembly of the people, he secured the approval of Pompey's Asiatic administration,[26] and the recognition of Ptolemy Auletes as a friend of the Roman people, dividing with his colleagues the great reward promised in the event of success. But, so far as his own fortunes were concerned, Caesar at this moment accomplished something of far greater importance. Very alarming news had arrived from Gaul; the Helvetii were in motion; another Teutonic invasion was on the horizon; and in February of 59 B.C., Metellus Celer, who as governor of Gaul was to hold the supreme military command, had died suddenly, possibly by poison.[27]

Another Teutonic invasion on the horizon.

Under such conditions Caesar, backed by Crassus and Pompey, prompted the tribune Vatinius to propose a bill giving him the government of Cisalpine Gaul and Illyria for five years, with three legions, all to date from the promulgation of the bill, which took place on the first of March. In order to give more stability to this wonder-working coalition, Caesar persuaded Pompey, in April of this year, to marry his daughter Julia, despite the fact that she was at the time betrothed to Servilius Coepio.

Marriage of Pompey to Julia.

It is all important to note that in placing himself in a position to follow in the footsteps of his uncle Marius, as a defender of Rome against the northern barbarians, Caesar had employed the power of the people themselves, who in their assembly had issued a mandate in the form of a law which the Senate would not have approved. His policy was to establish at Rome such a form of democratic government, similar to those of Greece, which

Caesar follows in the foosteps of his uncle Marius.

[25] The wits said it was the administration of Julius and Caesar.
[26] Appian, *B. C.*, ii, 13; Dion, xxxviii, 7; Suet., *Caes.*, 20.
[27] *Pro Cael.*, xxiv, 59.

could and would act directly through a popular assembly unhampered by senatorial interference. In order to give stability to such a system it was necessary to maintain a permanent and reliable majority in the assembly, and with that end in view Caesar drew together under the leadership of Clodius, elected tribune by his influence, the worst elements of the population, who were to be marshaled in his absence as a fighting force against the middle and upper classes.

Clodius his electoral agent.

Thus armed as the departing consul's electoral agent, Clodius was soon to enter upon a year of power, determined to use it as the instrument of his deadly hate against Cicero, who had been assured by Pompey that Clodius had promised the triumvirs to take no steps against him.[28] As early as December 10, in the year 59 B.C., Caesar's political manager began to strengthen himself with the masses by introducing a series of popular measures, certainly approved by his chief, the first of which proposed to provide absolutely free corn to poor citizens; the second, to grant to the working classes at Rome complete freedom of association.[29]

Not until his hands had been strengthened by the adoption of these measures did the all-powerful demagogue attempt to wreak his vengeance on the destroyer of Catiline. His first move was made early in the year 58 B.C., when the consuls were Caesar's father-in-law, Piso, and Pompey's follower, Gabinius, whose characters had been painted in the darkest colors by Cicero. He defined the present situation exactly when he wrote: "Granted that the power of the Senate was unpopular, what do you think it will be now, when it has been reduced to three men who acknowledge no check?"

[28] *Ad Att.*, ii, 20; xxii, 2. [29] Lange, *R. A.*, vol. iii, pp. 289ff

With the game thus completely in his own hands, lodius came forward suddenly with a retroactive law,[30] which Cicero was not named, providing "that whoever .s put to death a Roman citizen uncondemned in due rm of trial, shall be interdicted from fire and water." his bill of pains and penalties, in the nature of a bill of tainder, was called a *privilegium,* that is a law of special d not general application. The victim of such a bill as banished by implication from all communion with s fellow-citizens — its object being to drive him into ile without the chance of an appeal to the people. Vhile conducting his agitation for such a law, lodius called a *contio* outside the walls so that Caesar, ho was there in command of his legions, might tend and express his views as to Cicero's conduct uring his consulship. He said in answer to questions that subject that, while he condemned, as he had ways done, the illegality of the executions of Catiline's nfederates, as the matter had long passed, he was pposed to harsh and retroactive punishments.[31]

Bill of pains and penalties against Cicero offered.

Caesar and Pompey evasive.

All appeals to Pompey were equally unavailing. When s friend prostrated himself at his feet in his villa near lbano, he said that he could do nothing against the will Caesar;[32] that as a private citizen he could only refer ose who appealed to him on this subject to the consuls. he only hope left was in an appeal to the sympathy of e people, and with that end in view Cicero humbled nself by passing through the streets in mourning sup- rted by the whole equestrian class garbed in the same hion — twenty thousand of the noblest youths in Rome

Cicero's appeal to the people.

[30] Livy, ciii; Dion, xxxviii, 14; Vell., ii, 45; Sihler, p. 205.
[31] Dion., xxxviii, 17; Plut., *Cic.,* 30, 4.
[32] *Ad Att.,* x, 4.

changing their dress as a manifestation of sorrow an affection.

The counterblast was an edict from the consuls for bidding public mourning. The Senate then passed a reso lution that the whole house should put it on; and whe the sympathetic processions passed through the street the ruffians of Clodius assailed them with mud and stone Under such conditions Lucullus alone advised him t remain and face the issue;[33] if necessary, backed by h friends, to fight in the streets with the armed mobs c

Seeks safety in flight.

Clodius. But wiser friends, such as Cato and Horte sius, advised him to go away for a time, confident in th hope that in a few days he would return in triumph Before yielding to such counsels, he took from his hou a valued statuette of Minerva, goddess of wisdom well as of war, carried it to the Capitol, and there set up with the inscription, "guardian of the city."[34]

It was late in March when he left Rome, accompanie beyond the walls by tearful friends who assured him th he would soon be recalled. On the same day Clodi presented a bill in the assembly interdicting Cicero name from fire and water, and providing that no o should receive him in his house within five hundred mil of Italy, a proviso changed to four hundred before t

Bill passed and property destroyed.

bill passed into law.[35] It was further enacted that he should be seen within the forbidden limits, he, wi all who gave him shelter, might be killed with impuni After being branded as a traitor to the commonweal

[33] *Ad Att.*, iii, 15; *Ad Fam.*, xx, 4. [34] *Minervae Custodi Urbis.*

[35] The first section ran: "Is it your pleasure, and do you enact, t M. Tullius *has been interdicted* from fire and water?" See *Pro Domo S* 18, 47, as to the use of the perfect tense in the second or declaratory which proceeded upon the assumption that Cicero had been outlawed the terms of the first law, and that he had acknowledged his guilt by go into exile.

is great mansion on the Palatine was given to the flames, nd soon afterward his Formian and Tusculan villas ere sacked and laid waste. Thus a great Roman, who ad only a short time before saved the life of the state, as outlawed and driven into exile by the mandate of ne ancient popular assembly instigated by a clever and issolute demagogue who was the electoral agent of tatesmen of the new type who owed him their sympathy nd protection. In speaking of the populace Cicero once aid: "There are no sagacity, no penetration, no pow- rs of discrimination, no perseverance in the common eople; the wise have always regarded their acts rather be endured than to be praised."[36]

Mandate of popular assembly.

The exiled statesman, the spoiled child of fame and rtune, was now to prove to the world that Seneca was ght when he said: "There is no one more unfortunate an the man who has never been unfortunate, for it has ever been in his power to try himself."[37] If Cicero had en trained in the hard school of adversity he would ve consoled himself with the thought that, while the ppular assembly had driven him like a wild beast from me and country, the Senate had, by a special decree, ven him a *libera legatio* which entitled him to travel th all the pomp and circumstance of an ambassador. e was thus free to roam in state through his beloved reece and there accept the public honors the Greek cities ere eager to bestow upon him. But like Rachel mourn- g for her children, he refused to be comforted; he fused to believe, with Ovid, that even in Greece, "The ace makes banishment more bearable."[38] With that

Cicero in exile.

His *libera legatio.*

[36] *Pro Plancio*, 4.

[37] "Nihil infelicitus eo, cui nihil unquam evenit adversi, non licuit enim se experiri." — *De Provid.*, iii.

[38] "Mitius exilium faciunt loca." — *Ep. ex Pont.*, ii, 7, 63.

passionate fondness that bound the ancients to thei cradle spot, he preferred to feel with Euripides: "Bu yet it is a sad life to leave the fields of our nativ land."[39]

As the four-hundred-mile limit contained in the Clodia law made it imperative for him to depart in haste fro the soil of Italy, he made his way toward Sicily, writin on the way to Atticus: "I know that the journey is vexatious one, but my calamity is full of all kinds o trouble. More I cannot write; I am so distressed an cast down."[40] When he was forbidden to go to Sicil he sought Brundusium as the most convenient port fro which he could cross to Greece. There, while sheltere by a Roman knight, Flaccus, in defiance of the Clodia law, he wrote his first letter to Terentia:

Forbidden Sicily, he went to Greece.

First letter to Terentia.

Would that I had been less desirous of life! assuredly I shoul have seen nothing, or at all events not much, of misery in lif But if fortune preserves to me the hope of recovering any of t blessings I have lost, I have been less guilty of error [referrin to suicide, no doubt]; but if these evils admit of no change, sti I wish to see you, my life, as soon as possible, and die in yo embrace.[41]

To Atticus, who had counseled him against suicide, h wrote:

His lamentation to Atticus.

As to your many fierce objurgations of me for my weakne of mind, I ask you, what aggravation is wanting to my calamit Who else has fallen from so high a position, in so good a cau with so large an intellect, influence, popularity, with all good m so powerfully supporting him, as I?[42]

[39] Ἀλλ' ὅμως
Οἰκτρός τις αἰὼν πατρίδος ἔκλιπεῖν ὄρους. — *Fr. Aiol.*, 23.
[40] *Ad Att.*, iii, 2.
[41] *Ad Fam.*, xiv, 4.
[42] *Ad Att.*, iii, 10.

Again he says:

I have lived, I have had my prime; it is not a fault of mine, is my very merit that has overthrown me. I have nothing to ensure myself for, except that I have not thrown away life together with its equipment. But if it is best for my children that should live, let me endure the rest, though it is unendurable.[43]

Certainly Plutarch and those who support him in the ontention that Terentia was an imperious and oppressive hrew are put upon the defensive when we read such a ender outburst as this:

Tender outburst to wife and children.

Lost and afflicted as I am, why should I ask you to join me? ou a woman, weak in health, worn out in body and mind! Yet ust I not ask you? Can I then exist without you? Be assured f this, if I have you I shall not think myself wholly lost. But hat will become of my darling Tullia? Do you both see to it. can give no advice. And my Cicero, what will he do? I canot write more — my grief prevents me. I know not what has ecome of you — whether you still keep anything or have been tterly ruined. Farewell, my Terentia, my most faithful and est of wives! and my dearest daughter, and Cicero, our only emaining hope![44]

From Dyrrachium to Macedonia.

At the end of April the exile sailed from Brundusium nd, after a stormy passage, arrived at Dyrrachium on ie opposite coast, where he was hospitably received by ie people whose patron he had been at Rome. But, aring to remain in the neighborhood of Autronius and her followers of Catiline there in exile, he determined move on to Macedonia where his friend Cnaeus Planus was praetor. Accompanied by Plancius he arrived, n May 23, in Thessalonica on the Thracian Sea, where e remained for seven months. About this time his other Quintus, who was governor of Asia, was returng to Italy from his province under serious apprehension

Seven months at Thessalonica.

[43] *Ad Fam.*, xiv, 4. [44] *Ibid.*, xiv, 4.

of an indictment for provincial misgovernment. In order to comfort his brother, who had been sorely distressed because some of his slaves had reached him without letters, Marcus wrote to him on June 15, saying:

Letter to Quintus.

To think that you feared that out of anger I sent a messenger to you without a letter, or that I even did not wish to see you! That I should be angry with you! Could I be angry with you? Yes! I was unwilling to be seen by you. For you would not have seen your brother — not him whom you had quitted; not him whom you had known; not him whom you left in tears at your departure, when you were yourself in tears — not even a trace of him — not a shadow, but the image of a breathing corpse.[45]

In September Cicero made up his mind to go to Epirus, the residence of his wise and faithful friend Atticus, whose ability to help him had been increased by a great inheritance of ten million sesterces ($440,000) from his stingy old uncle Caecilius.[46] He arrived at Dyrrachium on November 26, and on that day wrote to Atticus:

To Atticus and Terentia.

Though my brother Quintus and Piso have given me a careful account of what has been done, yet I could have wished that your engagements had not hindered you from writing fully to me, as has been your custom, what was on foot and what you understood to be the facts. Up to the present, Plancius keeps me here by his generous treatment, though I have several times made an effort to go to Epirus.[47]

On the same day he wrote to his wife:

To think that a woman of your virtue, fidelity, uprightness and kindness should have fallen into such troubles on my account! And that my little Tullia should reap such a harvest of sorrow

[45] *Ad Quint. Frat.*, i, 3.

[46] Nep., *Att.*, 5. Cicero greets Q. Caecilius Pomponianus Atticus, son of Quintus, in a letter written at Thessalonica, October 4 (*Ad Att.*, iii, 20). According to custom, Atticus took his uncle's *praenomen* and *nomen*, Q. Caecilius, retaining his own *nomen* in an adjectival form (Pomponianus) as a *cognomen*.

[47] *Ad Att.*, iii, 22.

om the father from whom she used to receive such abundant
ys![48]

That he had not lost all hope is made plain by that
rt of the same letter in which he says, "If we have all
e tribunes [for 57 B.C.], if Lentulus is as devoted as he
ems, if indeed we have even Pompey and Caesar, there
no need of abandoning hope." The first year of his
ile closed with a visit from Atticus who, leaving Rome
December for his country seat in Epirus, stopped on
e way to pay Cicero a visit at Dyrrachium.

Visit from Atticus.

The new year, 57 B.C., opened in such a way as to
ove that there was "no need of abandoning hope"; the
putations that came to Rome from every part of Italy
plead for his return made it plain that the tide had
rned. Practical manifestation of that fact was given
hen the new consuls, Lentulus and Metellus, supported
Cotta, moved in the Senate, the moment after their
auguration, that Cicero should be recalled. When,
wever, they suggested that as the proceedings against
n had been entirely illegal, no fresh law enabling him
return was necessary, Pompey very properly suggested
at an edict of the people *(lex)* was necessary to give
gality to what the Senate had done.

New year, 57 B.C., brought hope.

Motion for recall.

When an effort was made to pursue that course, one
the tribunes interposed his veto, and in that way the
l was not submitted to the assembly until January 25,
hen Clodius was ready with his ruffians to raise a riot
order to prevent a vote. Before the riot was over
ny lives were lost; the tribune Serranus was severely
unded, and Quintus Cicero left for dead on the ground.
othing could more vividly illustrate the convulsions in
hich the Roman Republic died than the following de-

[48] *Ad Fam.*, xiv, 1.

scription of the Roman mob that defied and set aside th constitution at the moment when the Senate, the tw consuls, all the tribunes except one, Pompey and Caesa backed by all Italy were clamoring for Cicero's recall:

Description of a Roman mob.

When we speak of the Roman mob, we must not forget th it was much more frightful than our own, and was recruit from more formidable elements. Whatever just dismay the po ulace that emerges all at once from the lowest quarters of o manufacturing cities, on a day of riot, may cause us, let us remer ber that at Rome this inferior social stratum descended still lowe Below the vagabond strangers and starving workmen, the ordina tools of revolutions, there was all that crowd of freedmen demo alized by slavery, to whom liberty had given but one more mea for evil doing; there were those gladiators, trained to fight bea or man, who made light of the death of others or themselve there were still lower those fugitive slaves, who were indeed t worst of all classes, who, after having robbed or murdered home, and lived by pillage on the road, came from all Italy take refuge and disappear in the obscurity of the slums of Rom an unclean and a terrible multitude of men without family, witho country, who, outlawed by the general sentiment of society, h nothing to respect as they had nothing to lose. It was amo these that Clodius recruited his bands.[49]

In describing the combats that often took place durin electoral contests when such bands were abroad, Cice says in his exaggerated style that: "The Tiber was full corpses of the citizens, the public sewers were choked wi them, and they were obliged to mop up with sponges t blood that streamed from the Forum."[50] The fund mental difficulty was that the Roman constitution in t days of the Republic vested the supreme powers of t state in a one-chamber popular assembly unrestrained any of the checks and balances by which democracies a

Fundamental vice in Roman constitution.

[49] Bossier, *Cicero and His Friends*, pp. 211–12, A. D. Jones's trans.
[50] *Pro Sext.*, 35.

idled in the modern world. Tacitus affirmed in advance at such a fabric as the English constitution was impos-ble in practice when he said:

> In all the nations the supreme authority is vested either in the ople, the nobles, or a single individual. A constitution com-sed of these three simple forms may, in theory, be praised, but n never exist in fact, or if it should, it will be of short ration.[51]

Only safeguard in the people themselves.

The only safeguard of the constitution of the Roman epublic was in the moderation, the patriotism, the sense law of the citizen body in which the sovereignty was sted. When that citizen body was converted into a wless body the Republic perished, simply because there ere no longer any citizens upon whom it could depend.[52]

Necessary law passed August 4, 57 B.C.

Despite the earnest and persistent efforts of Pompey, entulus, Servilius, and other distinguished men, backed the whole power of the Senate, Clodius, backed by his blicly organized ruffians, was able to prevent the pass-ge of the necessary law until August 4,[53] when it was car-ed with scarcely a dissenting voice by a great popular sembly voting in their centuries in the Campus Martius, here Clodius was at last contemptuously set aside. On at very day Cicero left Dyrrachium, landing at Brundu-um on August 5, the birthday of his darling Tullia,[54] ho, just widowed by the death of the faithful Piso, was ere to welcome him. The twenty-four days consumed the journey to Rome was a triumphal procession, an broken ovation.

Triumphal procession to Rome.

[51] *Ann.*, iv, 33.

[52] "For a very long time," says Appian, "the Roman people was only nixture of all the nations. The freedmen were confounded with the izens, the slave had no longer anything to distinguish him from his ster. In short, the distributions of corn that were made at Rome gathered beggars, the idle, the scoundrels from all Italy."—*De Bell. Civ.*, ii, 120.

[53] The *lex Cornelia*, proposed by Cornelius Lentulus.

[54] *Ad Att.*, iv, 1.

Plutarch says it was no exaggeration, yea, less tha the truth, when Cicero declared that he was carried bac to Rome on the shoulders of Italy.[55] As he approache the city in September the Senate came to welcome hi beyond the walls; he was placed in a gilded chariot wa ing to receive him outside the gate; and as he passe through the Forum along the Via Sacra to the Capit the entire population went out to receive him. To u his own words, "It seemed that all the city was drav from its foundations to come and salute its liberator."

Is it strange that at such a moment a nature so em tional should have cried out: "I do not feel as though were simply returning from exile; I appear to myself be mounting to heaven"? Let us heartily enjoy with hi that one day equivalent to immortality *(immortalitat instar fuit)*, when all the popular societies of Rome we pouring congratulatory addresses upon him. Let us ba ish the thought of hypocrisy; let us not say with Juvena

One day equivalent to immortality.

> Who could endure the Gracchi if they were to rail at t seditious mob? Who could not confound heaven with earth a sea with heaven, if Verres were to pretend to hate a thief, M a murderer? if Clodius were to decry adultery, Catiline accu Cethegus of factious views? if Sulla's three pupils were to decla against Sulla's proscriptions?[57]

Cicero was forced to descend rapidly from his heaver heights; he was forced to realize that he had made mistake when he said:

> As the sea, which is calm when left to itself, is excited a turned up by the fury of the winds, so, too, the Roman people, itself placable, is as easily roused by the language of demagog as by the most violent storms.[58]

[55] *Cic.*, xxxiii.
[56] *Ad Att.*, iv, 1.
[57] *Sat.*, ii, 8.
[58] *Pro Cluent.*, 49.

His remorseless and resourceful enemy Clodius was eady and waiting for him at the head of the rabble that ad ruled during the three years of anarchy which fol- owed the seizure by the triumvirate of the government f the Republic. But before he was called upon to renew ne fight with Clodius, he appeared in the Senate on Sep- ember 5, the day after his return, where he offered the rofoundest thanks to his friends and the bitterest abuse o his enemies, attacking with special violence Gabinius nd Piso, nominees of Pompey and Caesar, who had been onsuls during the preceding year. On the same day he ddressed the people in the Forum in a speech *(a contio)* nown as the oration *Ad Quirites,* expressing the same eneral line of thought, but in a more moderate vein. The ndertone of both discourses was embodied in the assur- nce that the safety of the Republic which had been ndangered by his absence was made secure by his return:

Clodius ready to renew the fight.

Speech in the Senate, September 5.

Oration *Ad Quirites.*

> Therefore, when I was absent, the Republic was in such a ate that you thought that I and it were equally necessary to be estored. But I thought that there was no republic at all in a ty in which the Senate had no influence — in which there was npunity for every crime — where there were no courts of ustice, but violence and arms bore sway in the Forum — where rivate men were forced to rely on the protection of the walls of eir houses, and not on that of the laws. Therefore, after the epublic was banished, I thought that there was no room for me this city; and if the Republic was restored, I had no doubt that would bring me back in its company.[59]

Upon the heels of these orations came the famine ots[60] in which armed and trained bands of desperadoes

The famine riots.

[59] *Ad Quirit.,* 6.

[60] There had been a deficiency of grain in the provinces, especially in ily, from which Rome drew her main supply. — *Ad Att.,* iv, 1. The eets, even the Forum, were so insecure that Cicero did not dare to stir road.

led by Clodius went to the Capitol and attacked the se
ators with stones. In the midst of such scenes Cice
proposed that a law should be submitted to the peop
giving to Pompey for five years the absolute power
regulate the importation of grain from every part of t
world, a measure so enlarged before its adoption as
give the great one unlimited funds, a fleet, an army, a
such authority over the provinces as would supersede th
of their actual governors.[61]

Cicero turned from the aristocracy to the triumvirs.

In that way Cicero, who began by attempting to steer
middle course between his old allies, the aristocracy, a
the triumvirs, now turned to the latter, despite the rece
cruelties he had suffered at their hands, as he was advis
to do by the shrewd Atticus and his brother Quintus. T
aristocracy could never forgive him for being a "ne
man," a fact emphasized by the coldness with which th
had received the enthusiastic demonstrations by whi
he had been honored upon his return, and by the stin
spirit in which they proposed to compensate him for t
losses of his property. He was also made to feel th
he was an object of envy; he said "those who have clipp
my wings are sorry to see them grow again."

In the midst of these mental perplexities Cicero w
still pursued by Clodius who, after destroying his hou
on the Palatine,[62] had hoped to keep the owner out
possession of the ground by building upon it a temp
dedicated to Liberty, levelling at the same time the adjo

[61] *Ad Att.*, iv, 1.

[62] The house of Clodius, near to that of Cicero on the Palatine,
more magnificent, having cost, it is said, the enormous sum of 14,800
sesterces, or about £130,000. Its owner had adorned it with Greek paint
and statues. — Plin., *N. H.*, xxxvi, 24, §2; Cic., *Pro Dom.*, 43. The hous
Cicero was a little lower down the hill, a circumstance which explains
threat to increase its height, so as to shut out Clodius from a view of
city: "Tollam altius tectum, non ut ego te despiciam, sed ne tu aspi
urbem eam, quam detere voluisti." — *De Harusp. Res.*, 15.

ng portico of Catulus, a monument of his victory over he Cimbrians. As the land had been thus dedicated *ad ios usus,* a question was made for the decision of the ollege of pontiffs, to which Cicero addressed in Septem- er, 57 B.C., the oration known as *Pro Domo Sua,* which e considered his very best effort — a brilliant retrospect ull of invaluable historical data intermingled with burn- ng invectives against those who had wronged him. As he main question turned upon the legality of the conse- ration, the pleader attempted to establish illegality by roving that the illegally elected tribune Clodius could ot consecrate anything. That point of law the college eft to the Senate by deciding simply that if he who per- ormed the office of consecration was not legally author- zed to do so, then the area in question should be returned o Cicero,[63] who was indemnified by a senatorial decree hat his damage should be born by the state and his house ebuilt at the public expense.

Oration *Pro Domo Sua.*

Main question not decided.

When, in January, 56 B.C., the *comitia* elected aediles, mong the winners was Clodius, who was quick to sug- est, in a harangue to the people, after the college of oothsayers had declared that some deity had been of- ended because consecrated places had been devoted to rofane uses,[64] that the real culprit was Cicero who had ulled down the temple of Liberty on the site upon which is new house was being erected. When the Senate, thus rompted, resolved that the consuls should bring in a bill n the subject of sacred places, Cicero delivered the ora-

Oration *De Haruspicum Responsis.*

[63] The pontiffs said: "If neither by a command of the free burghers, in lawful assembly (*populi jussu*), nor by *plebiscite,* he who avers that he edicated the site to religious uses had specific authority given him to do so, nd has done it without such authority, we are of opinion that that part of ie site which has been so dedicated may, without any violation of religion, e restored to Cicero." — *Ad Att.,* iv, 2.

[64] Lange, vol. iii, p. 329.

tion known as *De Haruspicum Responsis,* in which, afte tearing to tatters the dreadful past of the brother of th Clodias, he exhorted all citizens of every class to pu aside their mutual animosities as the best means of regai ing the favor of the gods and their former prosperity Despite his recent attempt to murder him in the street Clodius had not cowed Cicero. He said in the speech i question:

> But my hatred for Clodius is not greater this day than it wa then, when I knew that he was scorched as it were with thos holy fires, and that he had escaped in female attire from the hous of the Pontifex Maximus, after attempting an act of atrociou licentiousness.

That Pontifex Maximus was now Rome's most con spicuous general at the head of legions in Gaul, where h was trying to eclipse the military fame of Pompey by add ing vast areas beyond the Alps to the Empire. This was critical moment in Caesar's career. He had been alarme by reports that had reached him of the possible repeal o his agrarian law; of a growing feeling of hostility agains the coalition; and above all he was eager to have his com mand renewed for five years. A proposition had bee made in the Senate to recall Piso and Gabinius from thei proconsular provinces, and that Caesar should also b deprived of the government of the two Gauls which wer to be assigned to the new consuls elect.

A critical moment in Caesar's career.

On April 5, Cicero himself had moved that on May 1 the Senate, if there was a full house, should discu Caesar's Campanian land law. And so, when he m Caesar at Luca, where the alliance between the three sel constituted rulers of Rome was renewed, the latter e pressed his resentment in these terms, which Cicero h preserved for us:

Meeting at Luca with Cicero.

There Caesar complained much of my motion [of April 5], or he had previously also seen Crassus and had by him been nflamed against me. It was indeed a well-established fact that Pompey was seriously displeased with it, which I, while I had eard it from others, learned particularly from my brother. When Pompey met him [in Sardinia] a few days after leaving Luca, e said, "You are the very man I want to see, nothing more suit- ble could happen: unless you confer earnestly with your brother Marcus, you must pay what you have pledged for him." Why nake a long story of it? He, Pompey, complained bitterly, called o mind his own services, his frequent conferences with my brother imself concerning the acts of Caesar, and guaranties which he Quintus] had given to him [Pompey] about myself: all this he alled to mind.[65]

Under such pressure Cicero, seriously embarrassed by nancial difficulties, clearly understood that his old friends n the Senate would do little or nothing to help him. Alluding of course to Pompey and Caesar, he says in one f his letters:

Since those who have no power will not be my friends, let me ry to be friends with those who have the power.

Who turned to Pompey and Caesar.

He adds:

I see clearly now that I have been only an ass [*scio me asinum ermanum fuisse*]. But it is now time for me to take care of nyself, since I cannot in the least rely on their friendship.[66]

That he felt keenly the humiliation of his position we now from that letter to Atticus in which he says:

For what is worse than our life? Especially mine! For you, ndeed, although you are by nature "political," are tied to no arty nor bound to public servitude. You enjoy merely the gen- ral name of statesman. What grief, however, must I feel? I, vho if I say what I ought about politics, am thought mad; if vhat is expedient, servile; if I keep silence, utterly done for and aid on the shelf. And the worst of it is that I dare not express ny grief lest I should appear ungrateful.

His feeling of humiliation.

[65] *Ad Fam.*, i, 9. Cf. Sihler, p. 233.

[66] *Ad Att.*, iv, 5.

He once said:

To yield to the times, that is, to obey necessity, has always been regarded as the act of a wise man.

Oration *De Provinciis Consularibus*, June, 56 B.C.

Such were the conditions under which Cicero, early in June, 56 B.C., spoke in Caesar's favor in the Senate in the oration known as *De Provinciis Consularibus*, when his recall, as well as that of Piso and Gabinius, was in question. Turning savagely upon the provincial administration of the last two, after declaring that he would not permit his desire for personal revenge to influence his public duty, he said:

Do you not think that you ought to recall those men from their provinces, even if you had no one to send in their places? Would you, could you retain there these two pests of the allies, these men who are the destruction of the soldiers, the ruin of the farmers of the revenue, the desolators of the provinces, the disgracers of the Empire?

When taunted by the suggestion that he should be no more hostile to Gabinius than to Caesar, he answered that he must not put his personal wrongs before the public welfare.

A most important war [he said] has been waged in Gaul; very mighty nations have been subdued by Caesar; but they are not yet established with laws, or with any fixed system of rights, or by peace which can be thoroughly depended on. . . . . If a successor is appointed to him, there is great danger that we may hear that the embers of this momentous war are again fanned into flame and rekindled. . . . . Even that great man, Caius Marius, whose godlike and amazing valor came to the assistance of the Roman people in many of its distresses and disasters, was content to check the enormous multitudes of Gauls who were forcing their way into Italy, without endeavoring to penetrate himself into their cities and dwelling-places. . . . . Nature had previously protected Italy by the Alps, not without some especial kindness of the gods

roviding us with such a bulwark. For if that road had been pen to the savage disposition and vast numbers of the Gauls, this ity would never have been the home and chosen seat of the empire f the world.[67]

Caesar kept his command in Gaul, while Pompey and Crassus became consuls for the following year, 55 B.C., he two Spains and Africa being assigned to the former, nd Syria to the latter. But Pompey's provinces were left o his legates; and as the year 54 B.C. brought with it a enewal of the riots, the Senate, backed by all the better lements, prevailed upon him to remain at home in order o preserve order by his influence.

Caesar kept his command—Pompey and Crassus consuls for 55 B.C.

Crassus went to his province; and in the summer of the ear 53 B.C. the news fell upon Rome like a thunderbolt hat he with a great part of his army had perished in the ands beyond the Euphrates, victims to the archery of the ily Parthians.[68] With the father fell the son Publius ho was a member of the college of augurs. To that acant and long-coveted office Cicero was now named by ompey and Hortensius,[69] holding it during the last ecade of his life, and giving to its traditions serious udy, despite the mass of forensic business which recent ears had cast upon him.[70]

Death of Crassus in 53 B.C.

Cicero chosen augur.

The news of Caesar's victories had made a profound npression at Rome, because they were discoveries as well s victories. This consummate politician and man of the orld, with a brilliant talent for letters, who resolved t forty-four to outshine Pompey as a military leader, ad during the six years that intervened between 58 and 2 B.C. conquered the Helvetii at Autun; cut the Germans

Profound impression made at Rome by Caesar's victories.

[67] *De Provinciis Consularibus*, viii, 13, 14.
[68] Plut., *Crass.*, xxxiii; Dion, xl, 25.
[69] II *Phil.*, 2.
[70] See *Ad Fam.*, xv, 4.

under Ariovistus to pieces near Mühlhausen; scattered th Belgae to the winds; conquered the Veneti; built a bridg across the Rhine, making that river the boundary of th Empire; and, above all, had impressed so profoundly th language, laws, and institutions of Rome upon the co quered as to give a Roman form to the civilization o France which has survived until the present time.

Two invasions of Britain and the *Commentaries.*

As incidental achievements may be mentioned Caesar' two invasions of Britain and the writing of his immorta *Commentaries,* relating in seven books the history of th first seven years of the Gallic war, composed, no doub in the course of his campaigns, and probably cast in thei present form during his stay in winter-quarters.[71] Amon Caesar's lieutenants, called his tent-comrades *(contube nales),* were many cultivated men of letters, person friends of Cicero, who kept up a constant communicatio with him as the official patron of literature at Rome. In the midst of that coterie was his own brother Quintu who had such a passion for poetry that, during the wint in which he was fighting the Nervii, he composed fou pieces in sixteen days.

Quintus in Caesar's camp.

But the most literary man of them all was the gre general himself, who, according to Fronto, "busied hir self with the formation of words while arrows were clea ing the air, and sought the laws of language amid the d of clarions and trumpets." It was Caesar's literary tas that made him eager for Cicero's friendship, knowing, course, his power over public opinion, and the value of h eloquent words when sounding the praises of his gre

[71] It is now agreed that the *Commentarii de Bello Gallico* were p lished in 51 B.C.

[72] Cicero made no mistake when he said one day to Caesar: "After time there will be great debates about you, as there have been among o selves." — *Pro Marcello,* ix.

chievements. In addition to his brother, Cicero had also is friend Trebatius near Caesar; and his letters to them, vhich introduce us further into the private life of the conueror of Gaul, supplement the *Commentaries*. Cicero ad sent Trebatius to Caesar with a cordial letter of recmmendation in which he said:

Also Cicero's friend Trebatius.

> I do not ask of you the command of a legion, or a government or him. I ask for nothing definite. Give him your friendship, nd if afterward you care to do something for his fortune and is glory I shall not be displeased.[73]

In the midst of his great affairs Caesar joked with his riends and permitted them to write to him "familiarly nd without subserviency," his answers being "full of oliteness, kind attention, and charm."

Such were the relations between Cicero and Caesar hen the time came for the latter to draw away from ompey, who affected a haughty and imperious tone that ended to alienate everybody. The first break came when n September, 54 B.C., Julia, the daughter of Caesar and ne wife of Pompey, died. After the death of Crassus in ne following year it became manifest that Pompey was rawing nearer to Cato as an ally, and was becoming nore disposed to act as the champion of the Senate, egardless of Caesar. That tendency was strengthened y the growth of anarchy and confusion at Rome, which rompted even strict constitutionalists like Cicero to speak f the necessity for investing Pompey with something like dictatorship for the preservation of order.[74]

Break between Caesar and Pompey when Julia died.

The year 52 B.C., which opened without consuls, and ith the murder of Clodius by Milo, precipitated that esult when, as heretofore pointed out in the account given f the trial of Milo, Pompey became the "savior of

Pompey, "savior of society," as sole consul.

[73] *Ad Fam.*, vii, 5.

[74] Plut., *Pomp.*, 54; *Ad Quint. Frat.*, iii, 8.

society," by an election as sole consul, his provincial com
mand being at the same time prolonged for five years, an
fresh troops assigned him.[75]

Thus Pompey was actually drawn into a close alliance
with that powerful party in the Senate which, alarmed b
the rise of Caesar, was determined to force Pompey t
lead the attack upon him which could not be mad
without him.

The inevitable conflict.

From that time down to the beginning of the civil wa
a collision became inevitable, despite Caesar's efforts t
avert it, between the two rival statesmen of the ne
type—"the type of a military chief at the head of
devoted army which he controls by his money and by th
sword."

Cicero proconsul of Cilicia for 51 B.C.

Under a law which Pompey had revived as to procon
sular governments — providing that no ex-consul coul
assume such a command until after the expiration of fiv
years measured from the end of his term; and that, in th
meantime, the provinces should be administered by tho
who had not held such posts — Cicero was forced
accept[76] the proconsulate of Cilicia for the year 51 B.C
leaving Terentia behind, and taking with him his broth
Quintus as legate, and the Greek grammaticus Dionysi
as tutor to his son and nephew.[77] He went away owi
Caesar 800,000 sesterces, the payment of which he e
trusted to Atticus;[78] and on the way to Brundusium
spent three days with Pompey. "I left him," he says, "
an excellent frame of mind, and thoroughly prepared
ward off the danger that is feared"[79] — referring,

[75] Plut., *Pomp.*, 56; App., *B. C.*, ii, 24.
[76] "Contra voluntatem meam et praeter opinionem." — *Ad Fam.*, iii
[77] *Ad Att.*, v, 3; v, 9.
[78] *Ibid.*, v, 1.
[79] *Ibid.*, v, 7.

doubt, to a possible collision between the Senate and Caesar.

He arrived at Athens on June 25, after an absence of about twenty-eight years, and at Laodicea on July 31, dating from that day his term which he hoped would not last more than a year. In a letter expressing his longings for the Forum, his home and friends, he told Atticus that "the saddle had been put on the wrong horse."[80] It was his good fortune to succeed Appius Claudius, a most rapacious ruler, who had nearly ruined the province by monstrous conduct, which Cicero told Atticus was less like that of a man than that of a beast.

Arrived at Athens after an absence of twenty-eight years.

In the midst of the ruin thus wrought he resolved to be so considerate of the suffering provincials as not to exact even his legal perquisites, thus winning for himself unbounded popularity. If in home politics he was at times wavering and irresolute, his conspicuous honesty and humanity in the midst of great temptations place him above all the provincial administrators of his time. The provincials found in him such a ruler as they had never known before, because he recognized the fact that "Nothing is more praiseworthy, nothing more suited to a great and illustrious man than placability and merciful disposition." Such nobleness was gravely belittled, however, by an unbecoming thirst for military glory which grew out of his besetting sin, vanity, after some decided successes had been won over the Parthians through operations carried on chiefly by his brother Quintus, who was an experienced soldier. Everything was reported with great pomp to the Senate in the hope that first supplications in honor of victory and finally a triumph would follow, the

Conspicuous honesty and humanity.

Thirst for military glory.

[80] *Ad Att.*, 5, 15: "Clitellae bovi sunt impositae."

only honor he had not enjoyed. Only a *supplicatio*,[81] o thanksgiving in honor of his successes, was decreed; an that was postponed until the following year.

His greatest longing, perhaps, was for his return, fo which he was now preparing at the end of an administra tion so frugal that a surplus of 2,200,000 sesterces (abou $98,800) remained, as his strictly legal perquisites, be yond the sum voted by the Senate for his expenses. Tha sum, deposited with Roman bankers at Ephesus,[82] wa loaned to Pompey, and lost in the civil war, then looke for within a year. Caelius wrote:

The issue between Caesar and Pompey.

> This is the issue about which the men who have control o the government are going to fight, viz., because Pompey has re solved not to suffer it that Caesar shall become consul in an other way but that of surrendering army and provinces. Bu Caesar is convinced that he cannot be safe if he leaves his army still he offers the terms that both shall surrender their armies.

With that prospect ahead of him Cicero began hi journey homeward, stopping at Rhodes, where he hear of the death of his old friend and rival Hortensius, an at Athens where he received a letter only twenty-one day old[84] from his wife, Terentia. He arrived at Brundusiu the last week in November; and on December 11, whil traveling slowly northward, he met Pompey. "We wer two hours together," he said. "Pompey was delighted a my arrival. He spoke of my triumph and promised to d his part. He advised me to keep away from the Sena till it was arranged, lest I should offend the tribunes."

Cicero, returning, meets Pompey.

[81] Even Cato favored it. — *Ad Fam.*, xv, 6.

[82] *Ad Fam.*, v, 20.

[83] *Ibid.*, viii, 14.

[84] *Ibid.*, xiv, 5. Reference may here be made to O. E. Schmidt's pr liminary discourse prefixed to his edition of Cicero's correspondenc from 51–44 B.C.: *Der Briefwechsel des M. Tullius Cicero von seinem Pr consulat in Cilicien bis zu Caesar's Ermordung*, Leipzig, 1893.

[85] *Ad Att.*, vii, 4.

On December 27, he had a second conference with Pompey at Formiae, who seemed to have neither hope nor desire for peace.

For he thinks thus: If Caesar be made consul, even after he was parted from his army, the constitution will be at an end. He thinks, also, that when Caesar hears of the preparations against him, he will drop the consulship for this year, to keep his province and troops.[86]

Reached the gates of Rome, January 4, 49 B.C.

Cicero reached the gates of Rome January 4, 49 B.C., remaining without for nearly two months in a state of doubt and hesitation.[87] The claim he was still making for a triumph gave him a valid legal excuse for that course which relieved him of the embarrassment at this critical moment that a seat in the Senate would have imposed upon him.

Pompey's alliance with the aristocracy.

After the death of Caesar's daughter Julia, Pompey allied himself more closely with the aristocracy by marrying into the noble family of the Metelli, and during his third consulship, with his father-in-law, Caecilius Metellus Pius, as a colleague, he strengthened his position and recovered lost ground by an energetic policy. As the tremendous crisis approached, he seemed to be both confident and defiant, expressing in his conference with Cicero at Formiae great contempt for Caesar as a military opponent.

Contempt for Caesar's military genius.

Should he be so insane as to try extremities, Pompey holds him in utter contempt, I thought, when he was speaking, of the uncertainties of war; but I was relieved to hear a man of courage and experience talk like a statesman of the dangers of an insincere settlement. Not only he does not seek for peace, but he seems to fear it. My own vexation is, that I must pay Caesar my debt, and spend thus what I had set apart for my triumph. It is indecent to owe money to a political antagonist.[88]

[86] *Ad Att.*, vii, 8. [87] *Ad Fam.*, xvi, 11. [88] *Ad Att.*, vii, 8.

Cicero reveals his doubts and fears to Atticus.

In Cicero's frequent letters to Atticus, written betwe the middle of December, 50 B.C., and the end of Jun 49 B.C., we have a picture of the interior of his mir with all the doubts and hesitations that beset him at th moment when, by prejudice and conviction, he was i clined to follow Pompey, while debating with himse whether he would not be justified in submitting quiet to Caesar. In one of his speeches he said:

> I deem it no proof of inconsistency to regulate our opinions we do a ship and a ship's course on a voyage, according to t weather which might be prevailing in the commonwealth.[89]

In one of his letters to Atticus written on his journ from Brundusium he says:

> Since, however, things have come to such a pass, I will n ask, as you write, quoting the words of Homer, "Where is t ship of the Atridae?" That shall be my ship where Pomp holds the helm. As to what will happen when, as you say, am called upon, "Speak, Marc Tully!" I will answer shortly, agree with Cnaeus Pompey." Privately, however, I will ur him to peaceful counsels. For my opinion is that we run t greatest hazard. You who are in the city know more than I d However, I see this plainly, that we have to do with a man fu of audacity, and thoroughly prepared.[90]

Caesar's proposal at the beginning of 49 B.C.

The first question the new consuls for the year 49 B. presented to the Senate was whether a letter should read, just brought by Curio from Ravenna to Rome fro Caesar, who proposed to lay down his military comma if Pompey would do the same, adding that if that con tion was not complied with he would not be wanting in h duty to himself and his country. The consul Lentulu backed by Metellus Scipio, the father-in-law of Pompe after advocating bold measures, and declaring that Pon

[89] *Pro Planc.*, 39. [90] *Ad Att.*, vii, 3.

pey would defend the Republic if the Senate would follow him — proposed that Caesar should be ordered to disband his army by a certain day, and, in the event of failure, to be regarded as a traitor and rebel.

The other consul, Marcellus, advised that Caesar be not defied until an army could be raised by a levy en masse; and in order to prevent the pending motion from being carried, the newly elected tribunes, Marc Antony and Quintus Cassius, interposed their veto. But the delay was only for a moment. On January 6 there was another violent debate resulting in an ultimatum; the consuls, praetors, and tribunes were ordered to see that the Republic suffered no harm.[91] On the next day the tribunes, Antony and Quintus Cassius, fled from Rome to Caesar, who, by the middle of the month, had crossed the Rubicon. With wonderful foresight Cicero had anticipated what actually happened when he wrote:

The ultimatum of January 6.

> Or if perchance a tribune of the people blocking the Senate or rousing the people, having formally been branded by censure, either cut short by a resolution of the Senate or suspended, or deprived of his office, or claiming to have been deprived of his office, seek refuge with him.[92]

The rapidity of Caesar's advance staggered and bewildered his foes. Instead of marching directly on the capital he secured the possession of the country by seizing first upon the heart of the peninsula, dashing through the upland valleys midway between the two seas, and in that way arriving at Rome as the undisputed master of Italy by the end of March.

Rapidity of Caesar's advance.

Pompey having failed to sustain Domitius Ahenobarbus at Corfinium, a strong position in the Apennines in Caesar's path, his only hope was in flight to the East, with its

Pompey's flight to the East.

[91] Caes., *B. C.*, i, 5. [92] *Ad Att.*, vii, 9. Cf. Sihler, p. 301.

treasures, fleets, and millions of men which might st
be organized for victory in the long run.[93] Before t
fall of Corfinium Cicero wrote:

My convictions, personal and political, attach me to Pompe
If I stay behind, I desert my noble and admirable companion
and I fall into the power of a man whom I know not how far
can trust. . . . . This is one side; but now look at the othe
Pompey has shown neither conduct nor courage, and he has act
throughout against my advice and judgment. I pass over his o
errors: how he himself armed this man against the constitutio
how he supported his laws by violence in the face of the auspice
how he gave him Further Gaul, married his daughter, support
Clodius, helped me back from exile indeed, but neglected
afterward; how he prolonged Caesar's command, and backed hi
up in everything; how, in his third consulship, when he h
begun to defend the constitution, he yet moved the tribunes
carry a resolution for taking Caesar's name in his absence, a
himself sanctioned it by a law of his own; how he resisted Marc
Marcellus, who would have ended Caesar's government on Mar
1. Let us forget all this: but what was ever more disgracef
than the flight from Rome?[94]

Regarded by Cicero as disgraceful.

By February 17, Pompey had begun to direct all h
forces to move toward Brundusium; and, attended by t
consuls, a majority of the Senate, and a long train
young patricians, the descendants of the Metelli a
Scipios, abandoned Italy as untenable. In a letter
Pompey, Cicero said:

His appeal to Pompey.

My advice was always for peace, even on hard terms.
wished you to remain in Rome. You never hinted that y
thought of leaving Italy. I accepted your opinion, not for
constitution's sake, for I despaired of saving it. The constitut

[93] "A victory in the East means the personal supremacy of Pompey.
cannot agree with Cicero, who represents his flight from Italy as the re
of a panic. No; it was a well-considered plan, which, on the whole,
the only plan likely to secure for Pompey a position like that which Ca
actually attained." — Tyrrell, *Cicero in His Letters,* vol. iv, p. 117.

[94] *Ad Att.,* viii, 3.

gone, and cannot be restored without a destructive war; but wished to be with you, and if I can join you now I will. . . . . preferred an arrangement, and you, I thought, agreed with me. hey [the aristocracy] chose to fight, and as their counsels have en taken, I can but do my duty as a member of the common- ealth, and as a friend to you.[95]

In a letter to Atticus he said:

Letters to Atticus.

Observe the man into whose hands we have fallen. How en he is, how alert, how well prepared! By Jove, if he does t kill anyone, and spares the property of those who are so rrified, he will be in high favor! I talk with the tradesmen d farmers. They care for nothing but their lands and houses d money. They have gone right round.[96]

In another letter he says:

My preparations are complete. I wait till I can go by the per sea; I cannot go by the lower at this season. I must start on lest I be detained. I do not go for Pompey's sake. I have ng known him to be the worst of politicians, and I know him w for the worst of generals. I go because I am sneered at by e *optimates*. Precious *optimates!* What are they about now? lling themselves to Caesar. The towns receive Caesar as a d.[97]

Again:

Pompey has sailed. I am pleased to find that you approve my maining. My efforts now are to persuade Caesar to allow me be absent from the Senate which is soon to meet. I fear he ll refuse. I have been deceived in two points. I expected an rangement; and now I perceive that Pompey has resolved upon cruel and deadly war. . . . . Pompey is aiming at monarchy ter the type of Sulla. I know what I say. Never did he show s hand more plainly. Has he not a good cause? The very st. But mark me, it will be carried out most foully. He means

[95] *Ad Att.*, viii, 11 (*d*).

[96] *Ibid.*, viii, 13. For a clear and elaborate statement, with the thorities, of all the motives that prompted Cicero to follow Pompey, see rrell, *Cicero in His Letters*, pp. xxvii *sq.*

[97] *Ad Att.*, viii, 16.

to strangle Rome and Italy with famine, and then waste and bu the country, and seize the property of all who have any. Caes may do as ill; but the prospect is frightful.[98] . . . . Why did n I follow Pompey when things were at their worst? On Janua 17 I could see that he was thoroughly frightened. . . . . In respect was he acting in a way to make it proper for me to jo his flight. But now my love for him revives; now my regret f him is more than I can bear; books and philosophy please me more. Like Plato's bird, I gaze night and day over the sea, a long to fly away.[99]

Cicero's hope of a settlement.

Still believing that peace might be accomplished by co ference, Cicero remained in Italy while Pompey, abo the middle of March, crossed the Adriatic to Epiru Such hope of a settlement was kept alive by Caesar agents at Rome[100] and by Caesar himself who, on Mar 26, wrote that he desired a conference with Cicero on h way to the capital which he had not seen for nine year "I would like to have you await me," he said, "near Rom that I might use your counsels and resources, as I a wont, in everything. Let me tell you that no one is mo agreeable than your Dolabella."[101] On March 27 or 2

Met Caesar at Formiae.

Caesar and Cicero met at Formiae, where the great soldi laid down the law to the great orator after the latter h declared that he would not go to Rome, where the Sena was soon to meet, because he knew he would not be pe mitted to express his real opinions. Caesar did not for him. "The upshot was that he, as though seeking a w out, suggested that I think the matter over. There w no saying nay to that. So we parted." In refusing stoop to please Caesar, Cicero had pleased himself: '

[98] *Ad Att.*, ix, 7.

[99] *Ibid.*, ix, 10. καθάπερ ὄρνις ποθῶν ποθὲν ἀναπτᾶσθαι. — Plato, *Ep* vii, 348A.

[100] *Ad Att.*, ix, 13 (*a*).

[101] *Ibid.*, ix, 16 (*a*).

ıppose he does not love me. But I loved myself, and, it a long time since that has come to pass."[102] Still hoping to win Cicero, Caesar, before sailing away to subdue pain in forty days, wrote him a personal letter, dated pril 16, warning him not to leave Italy:

His rapid conquest of Spain.

> Nobody will say that you are following the winning cause, if ou do, that is true; but you would condemn my action and you ould not do me a greater injury than that.[103]

Antony, left behind as a kind of viceroy, also appealed to him, saying,

Antony viceroy of Italy.

> You and I are at odds, but that is due not so much to any rong you have done me — there is none — but to my enthuasm [for Caesar's cause]. Think of your son-in-law and your aughter. Do not go.[104]

Tullia also appealed to her father to wait for decisive ews from Spain.[105] He did not finally make up his mind ntil June, when he went from Cumae to Formiae where vessel was ready for him. On the seventh, after writing farewell letter to Terentia,[106] advising her to dwell in ose villas farthest removed from men in arms, he emarked with his brother, son, and nephew, and sailed to e opposite coast to join Pompey. Nearly four years ter he wrote:

Cicero went to Pompey June 7.

> I do not think that I once abandoned country and children, ing influenced by the prizes of victory, but as it seemed to me

[102] *Ad Att.*, ix, 18.

[103] *Ibid.*, x, 8 (*b*).

[104] *Ibid.*, x, 8 (*a*). In that letter Antony says: "For I want to convince u that no one is dearer to me than you are, except my Caesar, and that y conviction at the same time is that Caesar gives M. Cicero a very high ace among his friends."

[105] *Ibid.*, x, 8.

[106] *Ad Fam.*, xiv, 7. At the close he says: "You can with advantage use e home at Arpinum with your town establishment, if the price of food es up."

I followed a certain duty satisfactory to my sense of right an of devotion, and due the state and my public position.[107]

A mission of despair.

There can be no doubt that Cicero went on a missio of despair from a sense of duty; and it was certainly ver noble of Cato, upon his arrival at the camp, to upbrai him for his folly in coming to them, as their cause wa desperate, and as it was likely that the orator could hav been of more service to his friends and country if he ha remained at home.[108] Certainly he was treated neithe with confidence nor consideration by Pompey, who, afte he had indulged in sarcastic comments as to the unpr paredness of his army, as Macrobius tells us, said, "I wis Cicero would go over to the enemy that he may learn t fear us." And yet he seems to have loaned Pompey a this time a considerable sum of money to help on th cause.

Pompey's coldness.

The letter to Atticus of June 13 from the camp a Dyrrachium relates mainly to financial matters.[109] The it was that Caesar first encountered Pompey, a year aft the departure of the latter from Italy; and there it w that Caesar suffered a most unexpected defeat whic forced him to retire in a kind of flight toward Mac donia. That success, Cicero tells us, so turned Pompey head—

> . . . . that from this moment that great man ceased to be general; opposed a raw, new-raised army to the most robust a veteran legions; was shamefully beaten, with the loss of his can and forced to fly away alone.[110]

Pharsalia, August 9, 48 B.C.

And yet the fact is that at the battle of Pharsalia, foug August 9, 48 B.C., old style, by the Roman aristocracy

[107] *Ad Fam.*, vi, 1. Cf. Sihler, p. 320.
[108] Plut., *Cic.*, 38.
[109] *Ad Att.*, xi, 3.
[110] *Ad Fam.*, vii, 3. This was the letter written to Marius in July, 46

lefense of their own supremacy, Pompey had forty-seven housand infantry, not including his allies, and seven thouand cavalry, while Caesar had only twenty-two thousand nfantry and a thousand cavalry. Neither Cicero nor Cato were present; both had remained in the camp at Dyrrachium where the latter commanded with fifteen ohorts. When the news of the defeat arrived Cato ffered the command to the ex-consul on account of his uperior dignity,[111] and when he declined it, according to Plutarch, young Pompey drew his sword and would have illed him but for Cato's interference. After twenty-our thousand Pompeians had surrendered, Cicero, re-arding Caesar's victory as absolutely conclusive, returned o Brundusium about the end of October, after a dreary bsence of nearly eighteen months. In a letter to Plancius he said:

Cicero's return to Italy in October.

Victory on one side meant massacre, on the other slavery. It onsoles me to remember that I foresaw these things, and as much eared the success of our cause as the defeat of it. I attached nyself to Pompey's party more in hope of peace than from a desire f war; but I saw, if we had the better, how cruel would be the riumph of an exasperated, avaricious, and insolent set of men; if ve were defeated, how many of our wealthiest and noblest citizens nust fall. Yet when I argued this and offered my advice I was aunted for being a coward.[112]

Letters to Plancius, Varro, and Marius.

In a letter to Varro he said:

You and I both grieved to see how the state would suffer from he loss of either army and its generals; we knew that victory in civil war was itself a most miserable disaster. I dreaded the uccess of those to whom I had attached myself.[113]

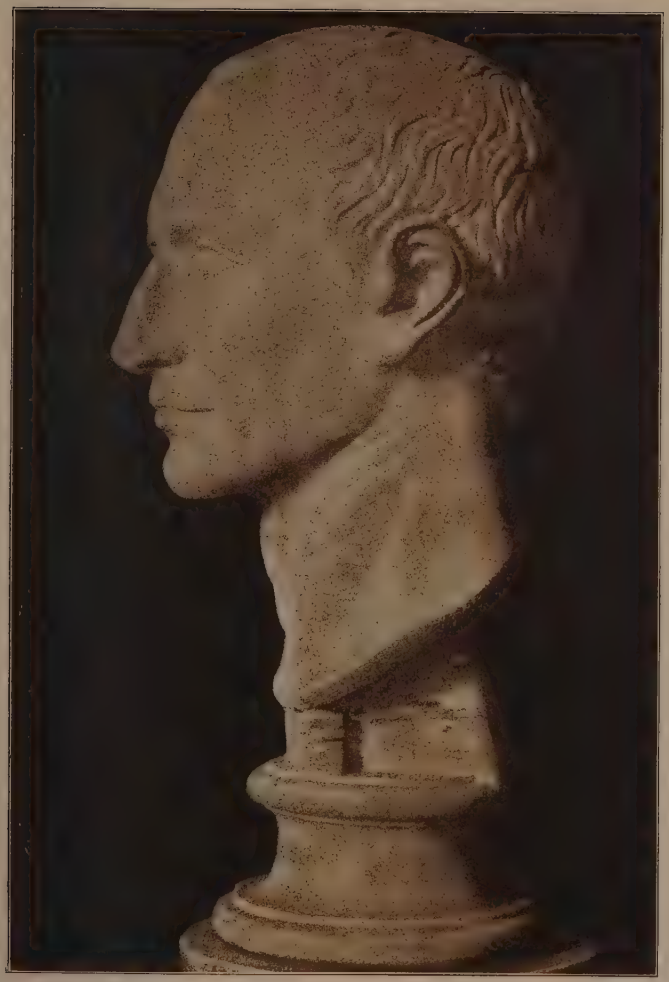
In a letter to Marcus Marius he said:

I despaired of success and recommended peace. When Pompey ould not hear of it, I advised him to protract the war. Thus

[111] Plut., *Cat. Min.*, 55. [112] *Ad Fam.*, iv, 14. [113] *Ibid.*, ix, 6.

for the time he approved, and he might have continued firm but for the confidence he gathered from the battle of Dyrrachium. From that day the great man ceased to be a general. With a raw and inexperienced army he engaged legions in perfect discipline. On the defeat he basely deserted his camp and fled by himself. For me this was the end. . . . . I retired from a war in which the only alternatives before me were either to be killed in action or to be taken prisoner, or fly to Juba in Africa, or hide in exile, or destroy myself.[114]

[114] *Ad Fam.*, vii, 3.



JULIUS CAESAR. British Museum.

CHAPTER IX

CICERO AND CAESAR

CICERO was wide of the mark when he assumed that e civil war had ended with the triumph of Caesar at harsalia. Nearly three years of bitter strife were to ss by before the final overthrow of the Pompeians March, 45 B.C., at Munda, near Cordova, in one of e most desperate battles in which Caesar was ever gaged.

Caesar after Pharsalia.

Instead of being able to return to Italy, the victor of harsalia was compelled to follow along the track of mpey to Alexandria, whence, after an embarrassing lay of nine months devoted to the settlement of the le to the throne of Egypt, he sailed for Syria, where saw and conquered Pharnaces, the son of the great ithridates, ending the war in five days.[1] Not until he d placed the affairs of the East upon a firm foundation as he able in August, 47 B.C., to return to Rome in ne to deal with the threatened revolt of the legions Campania,[2] embarking before the end of that year r Africa, where Scipio, Cato, Afranius, Labienus, d the other Pompeian generals, assisted by King ba, held possession of that province with a vast my.

Returned from the East to Rome in 47 B.C.

A division of Scipio's troops were in the peninsula of hapsus, between Carthage and Utica. There it was that

[1] In the famous message to the Senate he announced his victory in the onic phrase, *Veni, vidi, vici.*

[2] Dio., xlii, 52–55.

Battle of Thapsus, April, 46 B.C.

Caesar won the battle of Thapsus in April, 46 B.C.; there it was that Cato of Utica, *ultimus Romanorum,* fell upon his sword and died.[3] After his return to Rome in July as a world-conqueror, Caesar, on four separate days celebrated triumphs over Gaul, Egypt, Pontus, and Africa. But the end was not yet. In midwinter the great one now fifty-five and in failing health, was compelled to depart for Spain, accompanied by his adopted son Octavius, and by Decimus Brutus, in order to put down a general revolt throughout that province headed by Labienus and the sons of Pompey.

Battle of Munda, March 17, 45 B.C.

After the slaughter at Munda — including three thousand Roman knights, "the last remains of the haughty youths who had threatened Caesar with their swords in the Senate-house, and had hacked Clodius' mob in the Forum"[4] — he was so delayed by the task of reconstructing the affairs of the peninsula that he did not return until September, 45 B.C., to resume the suspended work of practical reform.[5] During the five years and more that intervened between the crossing of the Rubicon, about the middle of January, 49 B.C., and his assassination on the ides of March, 44 B.C., Caesar was able to pass barely fifteen months at home. His real work was done abroad. It was through his world-conquests that he built up that pronounced and permanent form of dictatorial power that enabled him to lay deep the foundations of the new imperial system into which the ancient repub-

Foundations of the new imperial system.

[3] About April 15. — O. E. Schmidt, *Der Briefwechsel,* p. 420.

[4] Froude, *Caes.,* p. 394.

[5] The battle of Munda seemed to close the era of the civil war. There was no longer either pretext or reason, so the upper class held, for the prolongation of the dictatorship. The decisive moment, then, was approaching; at last the world would know whether Caesar cared more for liberty or for the temptations of tyranny and revolution. — Ferrero, *Greatness and Decline of Rome,* vol. ii, p. 289.

an constitution of Rome, without any sudden or vio-
nt outward changes, was silently yet swiftly trans-
rmed.

A subtle constitutional transformation.

Nothing in the history of institutions is more subtle an the process through which the substance of the vided powers vested by the Roman constitution in the sembly of the people, the Senate, and the magistrates as centralized in the hands of a single autocratic ruler, thout the destruction of the outward forms of the rgans from which it was drawn.

Magic wand of the dictatorship.

The magic wand at wrought the transformation was the dictatorship, hich necessarily implied a temporary suspension of l constitutional government in order that the state ight, on a particular occasion, suffer no harm. As ctator, Sulla had made a tentative demonstration f the process through which Caesar arrived at a ality.

Caesar was first proclaimed dictator in 49 B.C., after s brilliant successes in Spain; on the news of Pompey's eath he was, in 48 B.C., declared dictator a second time his absence, with Antony as his master of horse, abso-te governor in Italy; after the battle of Thapsus, he as, in 46 B.C., made dictator for ten years; after the attle of Munda, in 44 B.C., he was made dictator for fe.

"Perpetual dictatorship" and the title *imperator*.

The "perpetual dictatorship" thus granted excited e bitter animosity of the republicans, because it implied perpetual suspension of constitutional government; and e title *imperator* he adopted was intended to describe e unlimited nature of the *imperium* he claimed, sep-ate and apart from the limited authority possessed by e republican magistrates.[6] The tribunician power was

[6] Suet., 40; Dion., xliii, 44. See also, as to the use of the title *imperator* this sense, Mommsen, vol. iii, p. 466, and note.

also conferred upon him which, apart from other advan tages, rendered his person inviolable.[7]

From the time he seized the money in the treasury o his first entry into Rome[8] until the end, he assumed, a *imperator,* the entire direction of Rome's foreign affairs the entire control of the army, and of the province which were governed by his "legates"[9] and not by inde pendent magistrates. The old republican constitutio had been made for the government of a single city; an when the attempt was made to apply it to the govern ment of a growing empire, it simply broke down becaus its clumsy machinery was inadequate to the task. Th clear, dark eyes of the world-conqueror seeing that fac simply made a severance, taking upon himself as *im perator* the direction of all imperial affairs, and leavin to the old constitution, with such serious modifications a he saw fit to make in it, the local government of Rom as a city-state.

Power of the *imperium.*

To use a favorite phrase, Caesar municipalized th old republican constitution, subordinating it at the sam time to the *imperator* who directed the legions and th provinces. While still pretending to hold his authorit by the will of the people, he permitted the ancient fabri consisting of popular assemblies, Senate, and elected ma istrates, consuls, praetors, aediles, quaestors, and tribune to go on discharging within a limited sphere their usu functions subject always and in all things to his paramou authority. Under such a system Rome was for month

Old republican constitution municipalized.

[7] The *tribunicia potestas* was granted early in his period of rule (48 B.C and given for life; it must have been regarded even now as the ideal co plement of a lasting *imperium,* valuable for the inviolability it conferr and for the civil and popular coloring which it gave its holder.—Greenid *Roman Public Life,* p. 337.

[8] Plut., *Caes.,* 35.

[9] Dion., xliii, 47.

ıt a time left without regular magistrates, and governed ike a dependent city by the *imperator*'s prefects.[10] Candidates presented themselves to the people at elections backed by a dictatorial recommendation equivalent to a command.[11]

The dwindling process had been going on since the ear 81 B.C. From that time the consuls and praetors of each year had been stationed at Rome and employed n purely municipal business; while, since the enfranchisement incident to the Italian war, the *comitia,* although till recognized in theory as the ultimate source of all power, had become little more than assemblies of the ocal Roman populace. In that way, as the old magistracies became merely municipal offices, the assembly of he sovereign people lost its law-making power, retaining o right to represent the true Roman people except when called upon to make a formal confirmation of the uthority of the ruler of the Empire which was his lready.

Comitia as a local assembly.

Nothing is more notable than the reorganization of the Senate, from which the *imperator* expelled all who had been guilty of corruption or extortion, filling their places vith officers of distinguished merit, with foreigners, with ons of freedmen, with meritorious citizens from all parts of the Empire, including even "semi-barbarous Gauls"—hus raising the total number of senators to 900. Instead of the censorship, by which the list of the Senate could e revised, Caesar was given for three years, in 45 B.C., he *praefectura morum,*[12] which he used as a means of

Reorganization of the Senate.

Praefectura morum.

[10] Zumpt, *Stud. Rom.*, p. 241; Suet., 76.

[11] Suet., 41: "Caesar dictator . . . . commendo vobis illum et illum, ut estro suffragio suam dignitatem teneant." Cf. the admirable article on Rome," ancient history, by H. F. Pelham, M.A. (*Enc. Brit.*, 9th ed.), to vhich I am greatly indebted.

[12] Dion., xliii, 14; see Mommsen, *C. I. L.*, vol. i, p. 41.

restraining the extravagance and luxury induced by th sudden influx of plundered wealth.

When the Roman popular assemblies died out an became obsolete, without being ever formally abolished the power of direct legislation passed to the Senate; an so at the very moment when the Senate was recognize as an organ of legislation, it became the mere tool o the emperor for that purpose. In the history of Roma statute law are reflected the two stages of developmer through which the imperial power passed. During th first, while the Roman state remained a republican com monwealth in theory, the power of the emperor wa simply the power of the "first citizen"; during the second i. e., from the time of Diocletian to Constantine, it wa the power of a monarch. After imperial legislation ha thus superseded senatorial legislation, after an imperia statute became an *oratio* directly promulgated to th nation as a whole, it became necessary, of course, to di tinguish the emperor's merely interpretative or judicia from his legislative functions.[13] In the words of a maste

Imperial legislation superseded senatorial.

Caesar was the first sole ruler of Rome; and we might l inclined to imagine that the powers which he enjoyed were co sciously assumed merely as those of a provisional governmer were there not signs that towards the close of his life he w satisfied with the solution which he had adopted. . . . . But the last year of his life, 44 B.C., he entered on a perpetual dictato ship, a revival of the Roman monarchy both in reality and in nam

It is true that the title *rex* was not assumed, out of deferen to the feelings of the masses, who saw in it merely a synonym oriental despotism; and for the same reason the diadem was d clined. But every educated Roman knew that the Roman mo archy had been nothing else than the unlimited *imperium*, a many may have believed that dictator or "master of the peopl

[13] See the author's *Science of Jurisprudence*, pp. 114–18.

is the most significant of the titles of the king. It was therefore a *regnum* under which Rome was living, and there was no concealment of its military character, for the title *imperator* was now borne by the regent within the walls.[14]

Monarchical power under republican forms.

Thus armed with the substance of monarchical power, under republican forms, the regent, as we may call Caesar, undertook to demonstrate the practical value of the new order by relieving the towns of the concentration of a surplus population, and the country districts of a growing isolation, by the colonization of Corinth and Carthage, and by allotments of land on a large scale in Italy, whereby decaying rural communities were reinforced by fresh groups of settlers.[15]

Calendar reformed.

In the same spirit he reformed the Roman calendar with the aid of Sosigenes,[16] an Alexandrian astronomer, who, leaving the moon altogether, took the sun as the basis of the new system. And finally, he purified the administration of the criminal law by the abolition of the popular element among the *judices*. While the regent, or "the tyrant," if you please, was thus doing what he could to reconstruct Rome as a well-ordered and progressive commonwealth, he was planning other schemes of administrative reform that contemplated the turning of the course of the Tiber, the draining of the Fucine Lake and the Pontine Marshes, the building of a new road across the Apennines, the extension of the capital and the widening of its periphery.[17]

Changes in the criminal law.

[14] Greenidge, *Roman Public Life*, pp. 336–37.

[15] As to the temporary stimulus given to Italian industry by the reimposition on foreign goods of harbor dues, see Suet., 42, 43.

[16] It is not unlikely that he had made acquaintance with Sosigenes in Egypt, and had discussed the problem with him in the hours during which he is supposed to have amused himself in the arms of Cleopatra. — Froude, *Caesar*, p. 386.

[17] Plut. *Caes.*, 58; Suet., 44; Dio., xliii, 51.

Walter Bagehot, in describing the subtle proce through which the ancient English monarchy was silent transformed into a hereditary republic, has said:

Transformation of the Roman republic into a hereditary monarchy.

> This ancient and ever-altering constitution is like an old m who still wears with attached fondness clothes in the fashion his youth; what you see of him is still the same; what you do n see is wholly altered.[18]

Cicero might have described in the same words t subtle process through which the ancient Roman Repub was silently transformed under his very eyes into hereditary monarchy. To the ancient republican cons tution the orator was so devotedly attached, throug prejudice and principle, that he sacrificed his life in vain yet patriotic effort to revive it, after it had perishe through its own infirmities. He passed out of the wor under the illusion that the republican constitution w only in a swoon from the blow Caesar had inflicted up it — he could not understand that it was actually de as the result of a slow disease in its vitals which h deprived it of citizens.

Cicero's illusion as to the dead Republic.

Only when we hold Cicero's illusion, amounting to obsession, clearly in view, is it possible to understa his relations to Caesar and to political events during t four fateful years that intervened between Pharsalia a the ides of March — a period during which Cicero's o thought, one hope, was the resuscitation of the de Republic.

After his arrival at Brundusium early in Novemb 48 B.C., hoping to meet Caesar then at Alexandria, seems to have declined to permit Terentia to come him: "I don't see what good you can do me if you come. Good-bye." [19] A coldness had begun betwe

Beginning of coldness to Terentia.

[18] *Eng. Const.*, p. 34. [19] *Ad Fam.*, xiv, 12.

iem immediately after his return from exile, to which e darkly alludes in two letters to Atticus, emphasized y the fact that it was Tullia, not Terentia, who came o meet him at Brundusium on that occasion.[20] But that oldness was so far removed that he kept up a correspondence with Terentia while in Cilicia, 51–50 B.C.; nd despite his disapproval of the marriage she arranged between Tullia and Dolabella, he addressed her armly when about to return, and was met by her on nding.[21]

The next symptom of estrangement appears in the ort, cold, and conventional notes from Pompey's camp. Plutarch is to be believed, Cicero was "neglected by er during the war [the Dyrrachium–Pharsalus campaign] when he was left in dire want."[22] At any rate he did not go to him during his long stay at Brundusium, hither he had gone by reason of a letter written by Dolabella at the command of Caesar, who had told him o write to his father-in-law to return to Italy immediately. Under such conditions, Balbus and Oppius, the egent's all-powerful representatives, undertook to interest themselves in the orator's behalf. That intervention was specially necessary by reason of the fact that Quintus, now a pronounced Caesarean, had sent his son advance to the regent, not only to secure his own ardon, but to present an accusation against the brother rom whose devotion and prestige he had derived whatver importance he had enjoyed. Therefore, when on anuary 3 he wrote to Atticus, he said: "I am writing this o you on my birthday, on which day would that I had

Neglected by her during Dyrrachium-Pharsalus campaign.

Ingratitude of Quintus.

[20] It was Tullia's birthday. — *Ad Att.*, iv, 1.

[21] At Athens he received a letter from her only twenty-one days old. — *d Fam.*, xiv, 5.

[22] Cf. Sihler, p. 356.

never been born of the same mother. Tears prever me writing more." [23]

Meeting of Cicero and Caesar, September, 47 B.C.

Not until September did the clouds begin to lift, whe Caesar, upon his return, met Cicero between Taurentu and Brundusium, embracing him, and giving him freedo to live anywhere in Italy he chose. We have no accou of the interview from the orator's own pen; we onl know from Plutarch that "Caesar, as soon as he sa him coming a good way before the rest of the compan came down to meet him, saluted him, and leading th way, conversed with him alone for some furlongs." Soo he was at his beloved Tusculan villa, in the Alban hill and there he remained until December, when he returne to Rome within whose walls he had not been since h departure to assume the proconsular government c Cilicia in 51 B.C. From his old quarters in town he wro to Varro, the "most learned of the Romans," and th author, it is said, of 490 books (two only of whic survive even in part):

Letter to Varro.

> Permit me to tell you that, since my arrival in the city, I ha effected a reconciliation with my old friends, I mean my book though the truth is that I had not abandoned their society becau I had fallen out with them, but because I was half-ashamed look them in the face. For I thought, when I plunged into t maelstrom of civil strife, with allies whom I had the worst p sible reason for trusting, that I had not shown proper respect f their precepts. They pardon me; they recall me to the old in macy, and you, they say, have been wiser than I for never havi left it.[24]

Terentia divorced early in 46 B.C.

It was at the end of this year or early in the next, B.C., that Cicero, now a gray-headed man of sixty-or divorced the wife to whom he had been married f

[23] *Ad Att.*, xi, 9. [24] *Ad Fam.*, ix, 1.

ome thirty years.[25] The lame excuse generally given or that step rests upon the accusation of mismanagement f his financial affairs by Terentia during his absence, vhich seems to have been caused largely by the careless- ess or dishonesty of her steward, Philotimus.[26] In a etter to Cnaeus Plancius, the orator thus states his own ase:

Cicero's plea.

I should not have taken any new step at a time of such general isaster had I not on my return found my private affairs in as orry a position as the public. The fact is, that when I saw that, wing to the criminal conduct of those to whom my life and for- unes ought, in return for my never-to-be-forgotten services, to ave been their dearest object, there was nothing safe within the valls of my house, nothing that was not the subject of some ntrigue, I made up my mind that I must arm myself by the faith- ul support of new marriage connections against the perfidy of he old.[27]

In the hands of the match-makers.

Certain it is that he undertook to carry out that policy very promptly by placing himself in the hands of match- nakers, whose first tender was very unattractive, we now, because in a letter to Atticus he said:

As to the daughter of Pompeius Magnus, I wrote you back vord that I was not thinking about her at the present moment. That other lady whom you mention I think you know — the gliest thing I ever saw — *nihil vidi foedius*.[28]

A gay dinner with Volumnius and Cytheris.

While in this receptive condition, the orator was the uest of the great wit Volumnius at a feast graced by ne famous beauty and actress Cytheris, who then held ntony and Gallus among her captives. In a letter to a

[25] Cf. O. E. Schmidt, *Der Brief.*, p. 420.

[26] *Ad Att.*, vi, 4. Seneca tells us there was at least one divorce a day Rome—*nulla sine divortio Acta sunt.*

[27] *Ad Fam.*, iv, 14.

[28] *Ad Att.*, xii, 11.

friend written from the dinner table, no unusual thing with busy men,[29] he said:

> I have just lain down at dinner at three o'clock, when I scribbl a copy of this to you in my pocket book.[30] . . . . Now listen t the rest. Below Eutrapelus (Volumnius) lay Cytheris. . . . To tell you the truth, I had no suspicion that she would be there . . . . As for myself the fact is that that sort of thing never ha any attraction for me when I was a young man, much less now am an old one. I like a dinner party. I talk freely there, what ever comes upon the tapis, as the phrase is, and convert sighs int loud bursts of laughter. . . . . Every day something is read c written. Then, not to be quite churlish to my friends, I dine wit them, not only without exceeding the law [Caesar's sumptuar law], but even within it, and that by a good deal, so you have n reason to be terrified at the thought of my arrival. You wi receive a guest of moderate appetite, but of infinite jest.[31]

Marries his rich ward Publilia.

Importunate creditors.

Atticus, knowing that there is no fool like an old on advised his friend to cut short his matrimonial quest b marrying Publilia — his rich ward, almost a girl, with a ambitious widowed mother — largely no doubt as a mean of satisfying his importunate creditors. And here let be remembered that the orator's professional busine on the Forum had ceased since the spring of 51 B.C when he went as proconsul to Cilicia; and that his acc mulations from that quarter had been sunk in Pompey disasters.

Cicero's *Cato.*

Caesar's *Anticato.*

It is a comfort to be able to turn away from Cicero apparently heartless divorce from Terentia, and from h manifestly mercenary marriage with Publilia, to the co templation of his panegyric on Cato, which had the eff of drawing from Caesar himself a counterblast, whi he entitled *Anticato,* not published, however, until af

[29] It was Caesar's constant habit. — Plut., *Caes.,* 63.
[30] For his amanuensis to copy, no doubt.
[31] *Ad Fam.,* ix, 26.

is triumph at Munda. Cicero clearly described the nagnitude of his task when he wrote:

> But that about Cato is a problem requiring an Archimedes. cannot succeed in writing what your guests [Caesarians like Hirtius, Balbus, and Oppius] can possibly read, I don't say with leasure, but even without irritation. Nay, even if I keep clear f his senatorial speeches, and of every wish and purpose which e entertained in politics, and chose in merely general terms to ulogize his firmness and consistency, even this in itself would be o pleasant hearing for your friends. But that great man can- ot be praised as he really deserves unless the following topics re dilated upon: his having seen that the present state of things vas to occur, his having exerted himself to prevent them, and is having quitted life to avoid what has actually happened.[32]

Great as the difficulties were, he who was destined to erish defending the ancient constitution as Cato perished, uilt a deathless monument to his memory.

Sihler's striking tribute.

> If there is anywhere in ancient letters a truer outline of Cato's olitical life, I do not know where to find it. There lie the imple words, like huge units of masonry, without binding mortar, vithout sculptured ornaments, large, firm, abiding.[33]

Caesar as a journalist.

And here, in connection with Caesar's literary performance known as *Anticato,* mention may be made of he interesting fact that after his election as consul in 9 B.C., he established a new institution that gives him a lace among the founders of journalism. He originated t Rome what we should now describe as a popular newsaper or handbook, copied by slaves and distributed every ew days to subscribers, into which was condensed the ost important and interesting public and private infor- ation of the day, for the benefit of those rich enough

[32] *Ad Att.,* xii, 4.

[33] Sihler, p. 342.

to pay for it.[34] While the regent was away from Rome he received of course regularly the *Acta,* finally a sort of *Moniteur* of the Empire,[35] in which the utterances of all important personages were naturally included. Writing on that subject to a friend in July, 46 B.C., Cicero said:

His critical faculty.

> I think it is my duty to say nothing calculated to offend either his [Caesar's] wishes or those of his favorites. But if I want to avoid the credit of certain keen or witty epigrams, I must entirely adjure a reputation for genius, which I would not refuse to do, if I could. But after all Caesar himself has a very keen, critical faculty, and, just as your cousin Servius — whom I consider to have been a most accomplished man of letters — had no difficulty in saying: "This verse is not Plautus's, this is —" because classifying the various styles of poets and by habitual reading, so I am told that Caesar, having now completed his volumes of *bons mots* [his *Dicta Collectanea,* which Augustus would not allow to be published.—Suet., *Caes.,* 56], if anything is brought to him as mine, which is not so, habitually rejects it. This he now does all the more because his intimates are in my company almost every day.[36]

Caesar's sumptuary laws.

Cicero's fling at the ordinance against mushrooms.

Before the end of July, the victor at Thapsus arrived from Africa by way of Sardinia; and, as a quasi-sovereign, he undertook, acting as *praefectus morum,* to suppress luxurious living, through sumptuary laws, under which too costly dishes were confiscated. Cicero could not resist the temptation to take a fling at a certain ordinance dealing with mushrooms. In ridiculing the dumb show of senatorial government he writes:

[34] See Daremberg and Saglio, *D. A.,* vol. i, p. 50; E. Caetani-Lovatelli "I giornali dei Romani" in the *Nuova Antologia,* November 1, 1901; Ferrero, *Greatness and Decline of Rome,* vol. i, p. 287.

[35] Tacitus (*Ann.,* xvi, 22) tells us that "The journals are read with more avidity than ever in the provinces and the armies, to know what Thrasea has last abstained from doing": "diurna populi Romani, per provincias per exercitus curatius leguntur, ut noscatur quid Thrasea non facerit. See Bossier, *Tacitus and Other Roman Studies,* p. 226.

[36] *Ad Fam.,* ix, 16; see also *Ad Fam.,* viii, 1.

I did not myself at that time desire to absent myself for any ngth of time from the guardianship of the constitution; for I as sitting at the helm and holding the rudder; whereas now I arcely have a place in the hold. Do you suppose the number senatorial decrees will be any the less if I am at Naples? hile I am at Rome and actually haunting the Forum, senatorial crees are written out in the house of your admirer, my intimate iend [Caesar], and whenever it occurs to him, I am put down backing a decree, and am informed of its having reached Ar-enia and Syria, professing to have been made in accordance with y vote, before any mention has been made of the business at all. nd, indeed, I would not have you think that I am joking about is, for I assure you I have had letters from kings at the other d of the earth, thanking me for having voted for giving them e royal title, as to whom I was not only ignorant of their having en called kings, but of their very existence even. What, then, n I to do? After all, as long as this friend of ours, this guardian morals, is here, I will follow your advice: *but directly he es away I am off to your mushrooms.*[87]

How senatorial decrees were written.

In the midst of such repinings Cicero was suddenly lled upon to depart from his policy of silence, and to eak in the Senate in the matter of his old school-fellow, Marcus Claudius Marcellus, an ultra-aristocrat, who, as nsul in 51 B.C., had been hostile to Caesar, of whom now refused to ask pardon. After having obtained om his staunch republican friend, who, after Pompey's erthrow, had retired to Mitylene, his consent to accept pardon, if tendered him, Cicero asked it of Caesar who, his surprise and delight, granted it to his old enemy omptly and graciously. Carried away by such noble-ss, the emotional orator, in his first speech since Phar-ia, pronounced the oration known as *Pro Marcello,* in

Oration *Pro Marcello.*

[87] *Ad Fam.,* ix, 15. Max Budinger, in an able article on *Cicero und der Triciat,* has shown that cordial feelings existed both before and after the break of the civil war between Cicero and Caesar, not as politicians, but men of the world. Tyrrell, *Cicero in His Letters,* Int., xxxi.

the Senate, in Caesar's presence. The whole Senate had interceded with Caesar to pardon Marcellus, and to allow him to return to his country; and when he yielded Cicero rose and thanked him for his magnanimity.

The orator's letters fix the fact that at that time he really hoped that the regent intended to restore the Republic. Writing to Servius Sulpicius, immediately after the incident, he relates how Caesar, after dwelling severely on the "bitter spirit" shown by Marcellus, declared that he would not allow "his opinion about an individual to bring him into opposition to the declared will of the Senate." Then he adds:

> You need not ask me what I thought of it. I saw in my mind's eye the Republic coming back to life. I had determined to hold my peace forever; not, God knows, through apathy, but because I felt my former status in the House lost beyond recall. But Caesar's magnanimity and the Senate's loyalty swept away the barriers of my reserve.[88]

The ninth chapter of the speech, directed to the consideration of what Caesar is still to do, thus begins:

"The restoration of the Republic."

> This then is what still remains, this is the act necessary to complete the drama, this the crowning feat, the restoration of the Republic.

Then, after saying:

> Unquestionably, posterity will stand amazed when they hear and read of your military commands — of the provinces which you have added to the Empire — of the Rhine, of the ocean, of the Nile, all subject to us — of your countless battles, of your incredible victories, of your innumerable monuments and triumphs [he added], have regard, then, to those judges who will judge you many ages afterwards, and who will very likely judge you more honestly than we can. For their judgment will be unbiased by

[88] *Ad Fam.*, iv, 4.

ection or by ambition, and at the same time it will be untainted hatred or by envy.[39]

Froude's grave injustice.

Froude has deliberately attempted to make it appear at this speech, not regarded at the time as overained, was a base and hypocritical attempt upon e part of Cicero to flatter and mislead Caesar upon the ry eve of his assassination. That brilliant and picturque man of letters, who would have been a greater storian if he had struggled less for dramatic effects, ys: "Such was the speech delivered by Cicero in the nate in Caesar's presence *within a few weeks of his urder.*" The backbone of the fierce attack thus made on Cicero's character and motives is broken the moment remember that the speech was really delivered before ovember 23, 46 B.C.—a full year and a half, instead a "few weeks" before the murder.

Exposed by an acute historical critic.

An acute historical critic has clearly demonstrated from e documents, in an article entitled "Cicero's Case ainst Caesar," [40] how it was that, during that year and half—

> . . the sincere admiration of Caesar's character expressed roughout the speech for Marcellus was converted into the feel- that produced the scream of delight at the assassination of esar, preserved for us in that extraordinary little scribble to silus—the shortest letter extant, [in which Cicero wrote:] ngratulations! Delighted! My love and complete sympathy! send me, with your love, a full account of what you are doing, l what is going on.[41]

Certainly if the orator had been in the plot, or in ich with the plans of the conspirators, his ignorance to what was going on, on the Capitol, could not have

[39] *Pro Marcello*, 9.
[40] *Quarterly Review*, No. 368, October, 1896, pp. 395–422.
[41] *Ad Fam.*, vi, 15.

been so sensational or so profound. Neither the learne nor living narration of a Mommsen, nor the brilliar staging of Froude can permanently affect historical judg ment when their manifest purpose was to exalt or demigod at the expense of another.

While Caesar's consent to the restoration of Mar cellus was still a very recent occurrence, the orator's serv ices were secured in behalf of another exile, Quintu Ligarius, who had been with the Pompeians in Africa and to whom Cicero had written in the latter part o September as follows:

Defense of Ligarius.

> To begin with, then, I will say this, of which I have a clea knowledge and full perception — that Caesar will not be ver obdurate to you. For circumstances, as well as the lapse of tim and public opinion, and — as it seems to me — even his ow natural disposition, daily render him more gentle.[42]

Ligarius had been impeached by Tubero, an ancien enemy, upon the ground that he had behaved with grea violence in the prosecution of the African war agains Caesar, who, as there was no organized court availabl to try the case, ordered it be heard before him as sol judge, sitting in his official residence, the Regia, on th Forum. After the regent was told who was to appea for the accused, he said: "Why might we not as wel once more hear a speech from Cicero? There is n doubt that Ligarius is a bad man and an enemy." An yet in the teeth of such prejudices the orator so playe upon the regent's finer feelings that as he advanced i his argument the latter was seen to change color unt his emotion became visible to all. And when "at lengt the orator touching upon the battle of Pharsalia, he wa so affected that his body trembled, and some of the pape

Caesar sat as sole judge.

[42] *Ad Fam.*, vi, 13.

held dropped from his hands, and thus he was over- wered, and acquitted Ligarius."[43] In plucking to ces the accuser, who would withhold from Ligarius clemency extended to himself, the orator, in this sterpiece of art, said:

Overwhelmed by Cicero's eloquence.

But I ask this: Who is it who thinks that it was a crime in arius to have been in Africa? Why, the very man who himself wished to be in Africa, and who complains that he was vented by Ligarius from going there, and who certainly was arms and fought against Caesar. For, O Tubero, what was drawn sword of yours doing in the battle of Pharsalia? inst whose side was that sword-point of yours aimed? What the feeling with which you took up arms? What was your ntion? Where were your eyes? your hands? your eagerness nind? What were you desirous of? What were you wishing ? I am pressing you too hard. The young man appears to moved. I will return to myself. I also was in arms in the e camp.[44]

A moment before he had said:

See how brilliantly the light of your liberality and wisdom s upon me while speaking before you! As far as I can, I lift up my voice so that the Roman people may hear me. en the war began, O Caesar, when it was even very greatly anced towards its end, I, though compelled by no extraneous e, of my own free judgment and inclinations went to join that y which had taken up arms against you.[45]

And yet, despite the victory won in this pleading before autocrat, it is plain from a letter written to Sulpicius us at this time that Cicero considered his career as dvocate really at an end:

Career as an advocate at an end.

will only say, what I hope you think to be right, that for lf, seeing that for the art to which I had devoted myself was now no place either in Forum or Senate-house, I have

[43] Plut., *Cic.*, 39. [44] *Pro Q. Ligario*, 3. [45] *Ibid.*, 3.

bestowed my every thought and every effort on philosophy. F your professional knowledge — eminent and unrivaled as it is no sphere much better has been left than for mine.[46]

Caesar's death grapple with sons of Pompey.

Early in November of this eventful year Caesar we away to Spain for the death grapple with the sons Pompey; and before the end of that month Cicero arrive at his Tusculan villa where his beloved Tullia, divorce at last from Dolabella, her third husband, while lookir forward to her confinement, awaited him. It is pro able that at this time Cicero wrote the letter of consolatic to Titus Titius in which he said:

> The very condition of the commonwealth and the disturban of the times gone to rack and ruin, when the most blessed a those who have not reared any children, and those who lost the in these times are less wretched than they would be if they h lost them in a good or at least in some form of government.[47]

Death of Tullia early in 45 B.C.

To the great, tender, emotional nature that ha sounded all the depths and shallows of human pleasu and pain, the new year, 45 B.C., was to bring a crownir sorrow in the death of the idolized Tullia, who gave birt to a son of Dolabella at Rome in January. So soon she had gained sufficient strength she was removed the Tusculan country-seat in the Alban hills, where Cice closed her eyes about February 15.[48] As the awful so tude of his grief was disturbed by the unsympathet

Publilia sent away without a formal divorce.

Publilia, he sent her away it seems without any form divorce. In the words of Plutarch, "he took the eve so much to heart that he even sent away his wife, as s had seemed to take pleasure in Tullia's death." At su a moment he naturally took refuge with Atticus at Rom and, after a brief sojourn, he went to Astura by the se where he could be alone with the waves.

[46] *Ad Fam.*, iv, 3. [47] *Ibid.*, v, 16. [48] Cf. O. E. Schmidt, p.

In almost daily letters he poured out his grief to his ends. On March 9 he wrote to Atticus:

Expressions of grief to friends.

In this lonely place I have no one with whom to converse, and, nging into a dense and wild wood early in the day, I do not ve it till evening. Next to you, I have no greater friend than tude. In it my one and only conversation is with books. en that is interrupted by tears, which I fight against as long as an. But as yet I am not equal to it. I will answer Brutus, you advise.[49]

Not many days before he had received rather a harsh ter of condolence from Brutus, who charged him with ing way to his grief with a weakness unworthy of a n whose habit it was to console others. The notable ter written by the great jurist Sulpicius, now governor Achaia, was in a more tender and yet in a chiding vein:

Harsh letter from Brutus.

Why is it that a private grief should agitate you so deeply? ink how fortune has hitherto dealt with us. Reflect that we ve had snatched from us what ought to be no less dear to man beings than their children — country, honor, rank, every sible distinction. . . . . Now is the time for you to convince that you are able to bear ill fortune equally well, and that it s not appear to you to be a heavier burden than you ought to nk it.[50]

Letter from Sulpicius and Cicero's reply.

In reply he said:

In my case, after losing the honors you yourself mention, and ch I had gained by the greatest possible exertions, there was y that one solace left which has now been torn away. . . . . there is no republic now to offer me a refuge and a consola- by its good fortunes when I leave my home in sorrow, as e once was a home to receive me when I returned saddened he state of public affairs.[51]

The new master, "he in whose power we are," did not get him in his dark hour. Caesar wrote him a letter

[49] *Ad Att.*, xii, 15; *Ad Brut.*, 9. [50] *Ad Fam.*, iv, 5. [51] *Ibid.*, iv, 6.,

Condolence from Caesar.

of condolence dated at Hispalis (the modern Seville the Guadalquivir) May 31.[52] While sympathetic frie were thus striving to do what they could, Cicero's int

The *Consolatio.*

spective spirit sought surcease from sorrow in a Treat on Consolation *(Consolatio, seu de luctu minuendo)* and as a physical monument to his grief he proposed erect some kind of a shrine to Tullia's memory.

> I am quite resolved to consecrate her memory by every k of memorial borrowed from the genius of every kind of art Greek or Latin. This may perhaps serve to irritate my wou but I look upon myself as now bound by a kind of vow a promise. And the infinite time during which I shall be n existent has more influence on me than this brief life, which to me seems only too long.[54]

When in the midst of such gloom Atticus appealed his grief-stricken friend to resume his place as *patron* on the Forum, he replied:

> You urge me to reappear on the Forum; that is a place wh I ever avoided even in my happier days. Why, what have I do with a Forum when there are no law courts, no Senate-hou and when men are always obtruding on my sight whom I can see with any patience.[55]

Profound discontent at Rome.

It is impossible to read the letters written by su moderate men as Sulpicius and Cicero at this time wit out being impressed with the profound discontent existi at Rome, even among those who, like Sulpicius, had be loaded by Caesar with offices and emoluments. Tho of his enemies who, after Pharsalia, had only asked f tranquility and protection, were now demanding a go deal more. As a keen observer has expressed it:

> So long as men are uncertain of their life, they do not troub themselves to know if they shall live free, but when once life

[52] *Ad Att.*, xiii, 20.
[53] *Ibid.*, xii, 14, 20.
[54] *Ibid.*, xii, 18.
[55] *Ibid.*, xii, 21.

ured, the desire for liberty returns to all hearts, and those who ved Caesar felt it like the rest. Caesar, we know, partly satis- l this desire, but this satisfaction did not last long. It is as ficult to halt on the road to liberty as on that to absolutism. e favor generally makes men desire another, and men think s of enjoying what they have obtained than of lamenting what y lack. It was thus that Cicero, who had welcomed Caesar's mency with transports of joy, and who saluted the return of arcellus as a sort of restoration of the Republic, soon changed opinion and language. . . . . He said on every opportunity t all was lost, that he blushed to be a slave, that he was amed to live.[56]

Fall of Roman Republic should be dated from Munda, March 17, 45 B.C.

The fall of the Roman Republic may well be dated m the final triumph over the enemies of the new Caes- an system at Munda on March 17, the news of which l not reach the capital until the evening of April 20.[57] e head of the young pretender Cnaeus Pompey, who l to Gibraltar, was delivered to the regent on April ;[58] his brother Sextus escaped. Cicero, writing to ticus on May 5, says:

> Hirtius has written to tell me that Sextus Pompeius had quitted rdova and fled into Northern Spain, and that Cnaeus [who had eatened to kill him after Pharsalia] has fled I don't know ither, nor do I care.[59]

When the war in Spain ended, Caesar completed his swer to Cicero's *Cato*, in two books, which he sent at ce to Rome for publication. In that way an excuse s given to the orator to express his thanks for the eat courtesy with which the regent had treated him, l at the same time to compliment him upon the ele- nce of his composition. In his account of that per- rmance he says to Atticus:

[56] Bossier, *Cicero and His Friends*, p. 299.
[57] At least thirty-four days after the event. — Dio, 43, 42.
[58] *Bell. Hisp.*, 39.
[59] *Ad Att.*, xii, 37, 4.

Cicero compliments Caesar on his *Anticato*.

The reason of my not sending you at the time a copy of th letter which I wrote to Caesar was that I forgot. Neither wa the motive what you suspected it to have been — shame of ap pearing in your eyes to be ridiculously time-serving; nor, b heaven, did I write it otherwise than I should have written t an equal and a man like myself. For I really do think well o those books of his [Caesar's *Anticato*], as I told you when w met. Accordingly I wrote without any flattery, and at the sam time in such a tone as I think will give him as much pleasure t read it as possible.[60]

Cicero had previously written to his friend on th subject, saying:

As I have not written to him [Caesar] before, he will thin that I should probably not have written had not the war bee over. Moreover, I fear his thinking that I meant this as a so for my Cato.[61]

Brutus marries Portia.

About this time Brutus was divorcing his wife Claudia intending to marry Portia, the daughter of his uncle Cat of Utica, the arch enemy of Caesar, from whom Brutu had been receiving large preferments since Pharsalia where his life was specially guarded by his orders. A

A note from Cato to Cicero.

that remains to us of Cato is a note, full of refinemen and dexterity, written from Rome in June, 50 B.C., t Cicero, who was at that time proconsul of Cilicia.

The latter's estimate of Brutus.

Without Cicero's letters and works we should not kno Brutus, nor the history of their connection, which laste for ten years. From Cilicia, Cicero wrote to Atticus "He is already the first among the young men; he wi soon be, I hope, the first in the city."[63] At that tim this nephew of Cato, descended from one of the mo illustrious of the Roman families, the brother-in-law o Lepidus and Cassius, had just married a daughter o

[60] *Ad Att.*, xiii, 51.
[61] *Ibid.*, xiii, 27.
[62] *Ad Fam.*, xv, 5.
[63] *Ad Att.*, v, 21.

ppius Claudius, another having already married the lest son of Pompey.

Brutus had passed a good deal of his life at Athens udying Greek philosophy, returning with a great repu- tion for wisdom, supported by a virtuous and regular e. The mind of this serious young man was deliberate d introspective; he reached conclusions by gradual ocesses in which he became so absorbed that when his solve was at last made up nothing could move him. aesar correctly described his obstinacy as the source of s strength when he said: "All that he wills he means."[64] ch was the nature of the man who, at thirty-seven, went Thessaly, despite the fact that he hated Pompey and ved Caesar who treated him with paternal affection, cause he deemed it his duty to follow the consuls and e Senate as the defenders of liberty. After doing his ty bravely at Pharsalia, Brutus was completely won er by the conqueror whom he followed in his conquests Egypt and Asia. Caesar did all in his power to attach rutus by granting him the pardon of some of the most eply compromised of the Pompeians, and by assigning him the government of one of the great provinces of e Empire, Cisalpine Gaul.

The character of his mind.

Won over by Caesar after Pharsalia.

Servilia, Cato's sister and Brutus'. mother, was the bject of one of Caesar's violent passions, and scandal id she was his mistress. She certainly retained her sway er him to her pecuniary advantage even after Pharsalia, nd she did all in her power to draw her son close to aesar. But a counter-influence came when Brutus mar- ed his cousin Portia, the daughter of Cato, who brought her new home all of the passions of her father and first sband, Bibulus, added to her own hatred of the author

Caesar's love for his mother.

[64] *Ad Att.*, xiv, 1.

of all her misfortunes. Thus influenced from within, Brutus was assailed from without by the anti-monarchical elements eager to group themselves around a leader whose character and courage would give dignity and solidity to the cause.

His plans manifest after Pharsalia.

So long as Pompey and Caesar faced each other in arms as jealous rivals, those who suspected the former of a design to overthrow the constitution comforted themselves with the hope that the latter only aspired to a temporary dictatorship. But after Pharsalia, that illusion vanished when it became plain that the victor intended to found a new and monarchical system. While it is impossible to trace the details, it seems to be clear that such a menace generated opposition not only among the senatorial party discomforted by the overthrow of Pompey, but among Caesar's own generals who were jealous of his dazzling ascendency. Thus it was that while Cassius was meditating his murder on the banks of the Cydnus, Trebonius had been almost in the act of making way with him at Narbonne.

Brutus the Hamlet of Roman politics.

Cicero his tutor.

The greatest need of the two disconnected groups of opponents to the regent was a leader who represented not only a name but a principle; "one who should represent the Republic and liberty without any personal reservations." [65] The ideal man was Brutus, who, when we consider his gloomy habits, his introspective mind, his fanatical republicanism, his peculiar relations to his mother's lover, his general popularity, may, without exaggeration, be called the Hamlet of Roman politics. No one did more to prepare Brutus for his mission than Cicero, who entered into the closest literary relationship with him. While only twenty-five of the letters between them su-

[65] Boissier, p. 330.

ve, all written after the death of Caesar, the collection ust have been extensive since a grammarian quotes the nth book of them. In one work dedicated to him cero says: "Who was ever more respected and loved an you?"[66] In another, also dedicated to him, he says:

> Brutus, I feel my grief revive when I look upon you and con-ler how the unhappy fate of the Republic has arrested the rapid vance to glory which we anticipated in your youth. This is the ie cause of my sorrow, this is the cause of my cares and those of ticus, who shares in my esteem and affection for you. You are e object of all our interest; we desire that you should reap the iits of your virtue; our most earnest wishes are that the condi-ons of the Republic may permit you one day to revive and increase e glory of the two illustrious houses you represent. You ought be master in the Forum and reign there without rival; we are, in uth, doubly afflicted, that the Republic is lost for you, and you r the Republic.[67]

Under such influences, the younger man was continually ooding over the glory of that Brutus who had expelled e Tarquins, thus filling his mind with ideals drawn from e history of earlier times. The most notable of the ilosophical works of Brutus, of which only brief frag-ents remain, was the treatise *On Virtue*, addressed to icero, an important passage from which has been pre-rved by Seneca,[68] the point of which is that as a man oing into exile can take all his virtue with him, he must ot complain. On the subject of patriotic duty he says in s letters:

Ideals drawn from earlier times.

> Our ancestors thought that we ought not to endure a tyrant n if he were our father. . . . . To have more authority than laws and the Senate is a right that I would not grant to my her himself. . . . . No slavery is advantageous enough to make abandon the resolution to be free.[69]

Patriotic duty defined.

[66] *Orat.*, x.
[67] *Brut.*, 97.
[68] *Cons. ad Helv.*, ix.
[69] *Epis. Brut.*, i, 17; ibid., i, 16.

Caesar's return in September, 45 B.C.

Such were the relations between Cicero and Brutus in the fall of 45 B.C., when Caesar returned to Italy, after having been engaged in Spain during the five months that followed the triumph at Munda in reorganizing the administration of that province. He had already granted an amnesty; and in order to show that the past was really forgotten he drew no distinction between his friends and his enemies, impartially recommending for office those whose position or services to the state entitled them to promotion. He even restored the statues of Sulla and Pompey which had been thrown down in the revolution; and he sent a pleasing compliment to Cicero concerning his *Cato*.[70]

Brutus met him at Nice.

It seems that Brutus went to meet the regent on his return from Spain, and at Nice made an oration before him in favor of old Deiotarus, king or tetrarch of Galatia, who had been accused of plotting upon a certain occasion against Caesar's life. Despite the spirited vehemence with which Brutus is said to have presented the case, he was not able to prevail for Deiotarus, and in that way Cicero was called upon to reargue the matter before the regent in the Pontifical Palace, probably in November.[71] This was the last case the great advocate ever pleaded; and in his discourse he did his best to appeal to all that was noblest and gentlest in the demigod in whose honor a temple to Clemency had been erected. His last words were:

Cicero's last oration as an advocate.

I entreat you, O Caius Caesar, to consider that on this day your sentence will bring on those kings either most miserable calamity, accompanied with infinite disgrace, or an unsullied repu-

[70] There was a good deal about my *Cato*. He says that by repeatedly reading it he had increased his command of language. — *Ad Att.*, xiii, 46

[71] E. O. Schmidt, p. 362.

ion attended with safety; and to desire the one of those results uld be an act of cruelty, to secure the other an action suitable your clemency.[72]

The regent simply postponed judgment with the intiation that when he undertook the Parthian campaign, en in contemplation, he would pursue the inquiry on the ot. Before the close of the year Caesar was the guest Cicero at his villa near Puteoli, the former having me to that neighborhood to visit the mother and stepther of Octavius whose designation as heir was still known even to the youth's nearest relatives. In describg the visit to Atticus the orator said:

Caesar his guest at Puteoli.

Well, I have no reason after all to repent my formidable guest! r he made himself exceedingly pleasant. But on his arrival at villa of Philippus on the evening of the second day of the Saturlia [which began on December 17], the villa was so choke full soldiers that there was scarcely a dining-room left for Caesar nself to dine in. Two thousand men, if you please! I was in a at taking as to what was to happen the next day; and so Cassius rba came to my aid and gave me guards. . . . . After two, he nt to the bath. Then he heard about Mamurra [his old chief engineers who had died] without changing countenance. He s anointed; took his place at the table. He was under a course emetics,[73] and so ate and drank without scruple and as suited taste. It was a very good dinner, and well served, and not y so but

The dinner.

Well-cooked, well-seasoned food, with rare discourse:
A banquet, in a word, to cheer the heart.[74]

. . We didn't say a word about politics. There was plenty of rary talk. In short, he was pleased and had a good time.[75]

On December 31, the consul Fabius Maximus died suduly, whereupon an "election" was held immediately,

[72] *Pro Rege Deiot.*, 15.
[73] A process that held somewhat the place in medical treatment that iding did a century ago.
[74] Verses of Lucilius.
[75] *Ad Att.*, xiii, 52.

A mockery of the ancient constitution.

and Caninius Rebilus was named by the regent in the afternoon to an office that continued only through the remainder of the day. In the midst of the raillery and indignation provoked by such a mockery of the ancient constitution Cicero wrote to Curius:

> Though these things are painful even to hear of, yet after all hearing is more bearable than seeing. At any rate you were not on the Campus Martius when, the *comitia* for the quaestors being opened at seven o'clock in the morning, the curule chair of Q. Maximus — whom that party affirmed to be consul — was set in its place, and then on the death being announced was removed: whereupon Caesar, who had taken the auspices as for a *comitia tributa*, held a *comitia centuriata*, and between twelve and one o'clock announced the election of a consul to hold office till January 1, which was the next day. Thus I may inform you that no one breakfasted during the consulship of Caninius. However, no mischief was done while he was consul, for he was of such astonishing vigilance that throughout his consulship he never had a wink of sleep. You think this a joke, for you were not here. If you had been you would not have refrained from tears.[76]

No one breakfasted during the consulship of Caninius.

Nothing could illustrate more vividly than this incident the extent to which the regent had abolished in his own interest everything but the form of popular election, the choice of consuls and praetors being made by him several years in advance.

While the hearts of those who still clung to the past were being fired by such open mockeries of the sovereign dignity of the state in the ancient assembly of the people the Senate added fuel to the flame by inventing fresh titles and conferring fresh powers upon one who was king in fact but not in name, the Roman people being still sensitive about names. After making Caesar dictator for life,[77] and, as the surviving organ of the Republic, bestow

[76] *Ad Fam.*, vii, 30.

[77] *Dio*, xliv, 8; App., *B. C.*, ii, 106.

g upon him all the essentials of monarchy, the Senate
ted next that he should really be king, offering him ten-
tively the crown. When he refused, thus avoiding what
ppeared to be a snare, Dio says they employed someone
place a diadem on the head of his statue which stood
on the Rostra. On January 26, as he rode through the
reets, he had been saluted as king by the mob.[78]

Caesar saluted as king, January 26, 44 B.C.

The matter assumed, however, a more serious form at
e ancient carnival of the Lupercalia, on February 15,
nen the regent, robed in his consular purple, and wear-
g a wreath of bay, wrought in gold, was approached by
s colleague in the consulship, Antony, who placed a tiara
i his head, saying: "The people give you this by my
nds." [79] It may be that this was deliberate stage play
ggested by Caesar who, after announcing in a loud voice
hat the Romans had no king but God," ordered that the
ra should be placed on the statue of Jupiter Olympus
i the Capitol.

The stage play of February 15, carnival of Lupercalia.

But such declarations did not mislead the vengeful
terie who were now driving Brutus on to action; their
tter words of denunciation for the master and his satel-
es had in them what Cicero calls "the bite of liberty
hich never tears better than when she has been muzzled
r a season." [80] They knew that the time for action had
rived, and upon Cassius, the man of a party, the man
ho embodied the envenomed hate of the vanquished aris-
cracy, devolved the task of nerving the arm of the man
conviction, who loved the person of the Dictator while

Cassius as a nerve force.

[78] When the tribunes put some of the offenders into prison Caesar passed
w deposing them and expelling them from the Senate. Then it was that
said he had given a weapon to his enemies. — App., *B. C.*, ii, 108; Suet.,
s., 79; Dio, xliv, 10.

[79] Cf. II *Phil.*, 34; Sihler, *Annals of Caesar*, pp. 256 *sqq.*

[80] *De Off.*, ii, 7.

hating his system. Upon him the whole enterprise depended.[81]

His insidious appeals to Brutus.

When the conspirators strove to win accomplices, the answer came from every side: "We will join you if Brutus will lead us." After the feast of the Lupercalia, when he could no longer doubt Caesar's intentions, his brother-in-law Cassius "took him by the hand" and said:

"What shall we do if Caesar's flatterers propose to make him king?" Brutus answered that he purposed not to go to the Senate. "What," replied Cassius, "if we are summoned in our capacity as praetors, what must we do then?" "I will defend the Republic," said the other, "to the last." "Will you not then," replied Cassius, embracing him, "take some of the senators, as parties to your designs? Do you think it is worthless and mercenary people, or the chief citizens of Rome who place on your tribunal the writings you find there? They expect games, races, or hunting spectacles from the other praetors; what they demand of you is that you should restore liberty to Rome, as your ancestors did."[82]

Brutus becomes at last the head.

Thus won over, Brutus became at last the head, the leader, of a conspiracy that had been designed by Cassius, the imperious and testy aristocrat, the daring and skilful military chief who, after rescuing the remains of the army of Crassus, had driven the Parthians from Syria. By the side of Brutus and Cassius as leaders of what remained of the beaten aristocracy, stood the great military chiefs like Labienus, Trebonius, and Decimus Brutus, who had been enriched by Caesar's bounty, and two of whom were about to receive fresh favors in the immediate future. It is said that of the sixty senators in all who were parties to the immediate conspiracy, nine-tenths were members of the

[81] Plutarch (*Brut.*, 9) says: "From the beginning there was in the nature of Cassius a certain ill-will and hostility to the kingly tribe," which he illustrates by an anecdote.

[82] App., *B. C.*, ii, 113.

d faction whom Caesar had pardoned, and who, of all s acts, resented most that he had been able to pardon em.

He was to set out in a few days for Parthia; the ides of [arch (the 15th of the month) were at hand, on which ıy there was to be an important meeting of the Senate; ıd it was rumored that after the *pontifices* had brought rward an old sibylline oracle which said that the Par- ians could only be conquered by a king, that title was to demanded for Caesar.[83] On the evening before, the an of action for the next day was arranged at a supper ven at the house of Cassius, to which Cicero was not vited. The same evening when Caesar was at supper at e house of Lepidus, the conversation turned on what ıd of death was most desirable. The predestined vic- n, who was signing papers while the rest were talking, oked up and said, "a sudden one."

The ides of March.

Supper at the house of Cassius.

It is impossible to know whether Cicero was actually esent in the Senate, sitting in the curia of Pompey, at the oment of Caesar's assassination. Certain it is that he as not one of the actual conspirators. He was not in- ted to the supper at the house of Cassius the night fore, a fact that goes far to confirm Plutarch, who says pressly that the plot was concealed from him —

Cicero not one of the actual conspirators.

> . . lest to his own disposition, which was naturally timorous, ding now to the wariness and caution of old age, and by his ighing as he would every particular that he might not make one p without the greatest security, he should blunt the edge of their wardness and resolution.

d yet Brutus seems to have looked upon him as the very bodiment of the ancient constitution he was defending ause, as the senator rushed into the Forum, waving his

[83] Suet., *Caes.*, 79.

dagger red with Caesar's blood, he shouted the name of Cicero, and congratulated him, as the representative of the Republic, upon the restoration of liberty. That Cicero immediately ratified and approved all that had been done we know, first, from his telegraphic letter to Basilus, in which he says:

But immediately ratified all that had been done.

> I congratulate you! For myself I am rejoiced! I love you. I watch over your interests: I desire to be loved by you and to be informed of how you are, and what is being done;[84]

and, secondly, from the statement in the Second Philippic where he says:

> For what is the difference between a man who has advised an action, and one who has approved of it? or what does it signify whether I wished it to be done, or rejoice that it has been done? Is there anyone then, except you yourself and those men who wished him to become a king, who was unwilling that that deed should be done, or who disapprove of it after it was done? All men, therefore, are guilty as far as this goes. In truth all good men, as far as it depended on them, bore a part in the slaying of Caesar. Some did not know how to contrive it, some had no courage for it, some had no opportunity — everyone had the inclination.[85]

Of course it never occurred to Cicero, obedient as he was to the political ethics of his age, that regicide in defense of liberty could be considered a crime. He exulted in such an act as the most glorious in the annals of fame, and did all in his power to make himself an accessory after the fact. In subsequent letters he said that—

Made himself an accessory after the fact.

> . . . . though everything goes wrong, the ides of March console me. But our heroes have done gloriously and nobly what depended on themselves to do. What remains requires money and resources of both of which we are destitute.

[84] *Ad Fam.*, vi, 15. [85] II *Phil.*, 12.

DEATH OF CAESAR IN THE CURIA POMPEII. From the painting by Gerome.

ıd in a letter to Cassius, he exclaims,

Oh, that you had invited me to the feast of the ides of March: re would have been no remains![86]

ıt is to say, Antony would not have escaped.

The only thing that seems to have displeased Cicero s the lack of foresight, the lack of prearranged plan on the part of the conspirators. He said "They had ted with manly courage, but childish judgment: *animo rili, consilio puerili.*"[87] The theory upon which they d acted was that the Roman people were being held in ndage by a tyrant whose death would set them free. t when the deed was done, and the conspirators rushed t of the Senate-house brandishing their swords and call- upon the people to assert themselves, they simply list- ed with surprise, but without anger or sympathy.

Cicero deprecated the lack of plan and foresight.

Under such conditions the tyrannicides, after the mob, moved by the cry of liberty, had refused to hail them deliverers of their country, after speeches by Brutus d Cassius made in a *contio* had received only a cold sponse, after it was plain that the fire would not kindle, emed it prudent to shelter themselves in the Arx of me, while Lepidus came with troops and occupied the rum. At that moment when it was plain "that the ople would not respond," it was Cicero's idea that the nate should have been convoked in order that favorable crees might have been extorted from its fears. On ril 19 he wrote to Atticus:

Tyrannicides sought shelter in the Arx.

Lepidus occupied the Forum.

Do you not remember that on that very first day of the retreat n the Capitol I claimed that the Senate should be summoned the Capitoline temple? Good heavens, what might have been

[86] *Ad Fam.*, xii, 4: "Vellem Idibus Martiis me ad caenam invitasses; quiarum nihil fuisset."
[87] *Ad Att.*, xv, 4.

effected then, when all loyalists — even semi-loyalists — were exult ant, and brigands utterly dismayed.[88]

The old citizenship not asleep, but dead.

What neither Cicero nor Brutus could understand wa that the Roman citizenship, from which the ancient re publican constitution had drawn the breath of life, ha ceased to exist — it was not asleep, it was dead. It ha disappeared in the disintegrating process through whic the old city-republic had been transformed into a militar empire. As Appian had expressed it:

Appian's statement.

> For a very long time the Roman people was only a mixture o all the nations. The freedmen were confounded with the citizens the slave had no longer anything to distinguish him from his mas ter. In a word, the distributions of corn that were made at Rom gathered the beggars, the idle, and the vagabonds from all Italy.[89]

Froude's insight.

In the words of one whose insight is often uncloude by prejudice or passion: "In the army only remaine the imperial consciousness of the honor and duty o Roman citizens. To the army, therefore, the rule wa transferred."[90] Naturally the very powerful body o veterans, many of whom were then awaiting assignment of land in Rome, refused, even with more emphasis tha the people in general, either to approve or condone th act by which the head of the new monarchical system ha been removed. And some of the best and wisest recog nized the fact that the collapse of the old constitution ha been so complete that Caesar's substitute was an absolut necessity, possibly a beneficent necessity. Cicero's clea visioned friend Marius, whose villa he visited early i April, went so far as to say that if Caesar's genius ha failed to provide anything better, who could hope t

Caesar's substitute a necessity.

[88] *Ad Att.*, xiv, 10.
[89] *De Bell. Civ.*, ii, 120.
[90] Froude, *Caesar*, p. 430.

prove on what he had done? In a letter written to
ticus on April 7, the orator says:

I have come on a visit to the man, of whom I was talking to you
s morning [Caius Marius]. His view is that "the state of things
erfectly shocking: that there is no way out of the *embroglio.*
if a man of Caesar's genius failed, who can hope to succeed?"
short, he says that the ruin is complete.[91]

The ruin of the old republican constitution was com-
te, and the only two questions that remained were
se: first, to what extent and in what form should the
v Caesarean system survive; second, who should be
esar's heir? Cicero was among the first to perceive
actual condition of things. On April 11 and 18 he
ote to Atticus:

You see, after all, the tyrant's hangers-on in the enjoyment of
imperium, you see his armies, his veterans on our flank. . . . .
od God! the tyranny survives though the tyrant is dead.[92]

"The tyranny survives though the tyrant is dead."

[91] *Ad Att.,* xiv, 1.

[92] *Ibid.,* xiv, 5, 9.

CHAPTER X

THE DUEL TO THE DEATH WITH ANTONY

CERTAINLY Caesar expected his military monarchy t
survive him and to become hereditary in his family. Th
childless regent took the first step in that direction whe
Caesar's adoption of Octavius. he adopted Octavius, the son of his niece, Atia; th
second, when on September 13, 45 B.C., he drew up h
will and placed it in the hands of the chief Vestal Virgi
making Octavius his universal heir.[1]

The most formidable foe to that plan was Marcu
Antonius, generally known as Mark Antony, who quickl
resolved to seize the purple of his fallen benefactor an
to make himself his heir. Antony, whose stepfather Le
tulus had been put to death by Cicero as one of th
Career of Antony. Catiline conspirators, began a new career in Gaul wh
in 54 B.C. he was welcomed by Caesar, who, in order
make him more efficient as a promoter of his ambitio
designs, elevated him to the offices of quaestor, augu
and tribune of the *plebs*, in the last of which he display
marvelous boldness and dexterity in upholding h
patron's cause against the intrigues and violence of th
Pompeian party.

After the Rubicon was crossed, Antony shared h
master's triumphs, being second in command at Pharsal
and deputy-governor of Italy during Caesar's lo
absences in Spain and Africa. At the opening of t

[1] Suet., *Caes.*, 83. Three-fourths of the estate was thus bequeathed
Octavius, an eighth to L. Pinarius, an eighth to Q. Pedius. The Ves
were frequently made the custodians of wills. — Tac., *Ann.*, i, 8; P
Ant., 58.

MARK ANTONY. The Vatican.

r in which the assassination occurred, the regent as-
ied the consulship with Antony as his colleague, thus
ing him at the head of the state when he died. Armed
n that authority the senior consul, after he had recov-
d from the terror inspired by the fear that he was to
he next victim, removed the public funds, amounting
he enormous sum of seven hundred million sesterces
0,800,000), according to Cicero,[2] from the Regia
the temple of Ops to his own house in the Carinae.
en, after gaining possession of Caesar's papers which
purnia, acting apparently under her father's counsel,
ingly handed over to him, called by edict a session of
Senate which met in the temple of Tellus on March
probably before daybreak. He had already won
r Lepidus, who in the night following the assassina-
had occupied the Forum with the legion stationed on
island in the Tiber, by promising him the office of
ifex maximus made vacant by Caesar's death, and the
rriage of his daughter to Lepidus' son.

Head of the state at Caesar's death.

Meeting of the Senate on March 17.

The approaches to the Senate were carefully guarded
soldiers when it met in the memorable session in
ch Cicero, "who laid the foundations of peace," pro-
d a general amnesty, including of course the slayers
he regent, conceding at the same time Antony's de-
d that all the appointments made and directions given
the regent should stand. Piso, Caesar's father-in-
then proposed that the contents of his will, still in
custody of the Vestal Virgins, should be published,
that he should be given a public funeral. To both
slutions the Senate agreed. As Antony was then in
session of Caesar's papers, the land assignments for
eterans were of course to be carried out.

Cicero proposed a general amnesty.

Caesar's will and funeral.

[2] II *Phil.*, 37.

It is not from Appian but from Dio[3] that we deriv the elaborate and probably no more than traditional ve sion of the words used by Cicero in the senatorial pea

Truce between regicides and Caesarians.

parley of March 17, when a hollow truce was proclaim between the regicides and the Caesarians. After assuri them that there was no mandate of military power to co trol their deliberations, no restraint upon the freedom action or debate, the orator appealed to all factions to p aside feuds and bickerings, knowing as they must the cur of such divisions. Then, after a review of Roman pol ical history, in which he spoke of Saturninus, Glaucia, t Gracchi, of Marius and Sulla, of Sertorius and Pompe

Athenian settlement of 403 B.C.

he made emphatic reference to the Athenian settleme the act of amnesty of Thrasybulus, after the fall of t Thirty Tyrants, in 403 B.C.,[4] through which Athens w

Necessity for the reestablishment of peace and order.

back prestige and power abroad and reestablished pe and order at home. They should decide at once, he sa because signs of a fresh conflict were already visible.

Caesar is slain. The Capitol is occupied by the optimates, Forum by soldiers, and the people are full of terror. Is violenc be again answered by more violence? These many years we h lived less like men than like wild beasts in cycles of warr revenge. Let us forget the past. Let us draw a veil over all t has been done, not looking too curiously into the acts of any m Much may be said to show that Caesar deserved his death, much against those who have killed him. But to raise the quest will breed fresh quarrels; and if we are wise we shall regard scene we have witnessed as a convulsion of nature now at an e Let Caesar's ordinances, let Caesar's appointments be maintair None such must be heard of again. But what is done cannot undone.[5]

[3] xliv, pp. 23 *sqq.*

[4] Xenophon, *Hell.*, ii, 4, 43.

[5] Froude's abridgment of Dio, who gives no more than the traditi version. — *Caes.*, pp. 423–29.

The conspirators, who were then invited to come down om their stronghold on the Capitol, refused to do so ntil Antony and Lepidus each sent a son to them to be ld as hostages for their security. As an evidence that a al reconciliation had been effected, a dinner was given at night to Cassius by Antony, and to Brutus by epidus.

Futile attempt at reconciliation.

It was probably on March 18 that Antony, whose genius r oratory was inherited from a famous father, conucted the public funeral of the regent, whose body was rought from his palace, where it had been lying since the ening of the assassination, down to the Forum and aced upon the Rostra[6] with the blood-soaked toga still rapped about it. As a part of the stage setting a wax figy of the murdered Caesar was raised and turned in l directions by a mechanical device in such a way that e people could see for themselves the twenty-three ounds inflicted on the body as well as on the face of e unvengeful hero who had done so much for his untry.[7]

Caesar's funeral conducted by Antony.

Wax effigy displaying the wounds.

First the will was read in which it was provided not ly that his gardens on the Tiber should be held as a pertual pleasure ground for all Romans, but that each izen should receive a personal legacy of seventy-five achmas. Next it transpired that after Octavius,[8] as a ond heir, he had actually named Decimus Brutus, one those who had betrayed him. Then it was that Antony ne forward to speak of Caesar's ancestry, his personal its, his generosity as a friend, his forbearance as an

Reading of the will.

The panegyric.

According to the Roman archaeologist Boni, the remains of it have n recently discovered. See Vaglieri, *Gli scavi recenti nel Foro Romano*, ne, 1903, pp. 152ff.

App., ii, 147.

In a codicil Caesar had adopted Octavius as his son. — Suet., *Caes.*, 83; l., ii, 59; Liv., *Per.*, 116; Dio, xliv, 35.

enemy, and above all of his services to the state, of h campaigns in Spain, Gaul, Britain, Asia, Egypt, an Armenia. He had labored for peace with Pompey, A tony said, but Pompey preferred to go into Greece order to array the powers of the East against his countr perishing in an attempt so unworthy. And yet Caes took no revenge. He praised and rewarded those wh had been faithful to Pompey, and treated his murdere as they deserved. To use Dio's words, there was in hi an "inbred goodness" (ἔμφυτη χρηστότης); he was nev carried away by anger, never spoilt by success.

To you he was consul; to the army, imperator; to the enemies his country, dictator. In a word he was *Pater Patriae*. And t your father, your Pontifex, this hero, whose person was declar inviolable, lies dead — not by disease or age, not by war or visit tion of God, but here at home, by conspiracy within your ow walls, slain in the Senate-house, the warrior unarmed, the pea maker naked to his foes, the righteous judge in the seat judgment.[8a]

Declaration of war against the regicides.

This carefully prepared declaration of war against t regicides from one who had, for a moment, dissemble proved to be the turning-point of the crisis. Such a stor of passion was aroused that after the body had be burned on the Forum, amid a frenzy of tributes th amounted to a popular ovation, the unhappy Helvi Cinna, one of the tribunes whose name was mistaken f that of the praetor Cinna, who had spoken in a scornf way of the memory of Caesar, was seized by the mob ar torn to pieces on the spot. The houses of the princip conspirators were then given to the flames.[9] It was longer a matter of doubt which side the populace wou take; they believed, according to Suetonius, that the de

Their houses burned.

[8a] Dio, xliv, 48.

[9] App., *B. C.*, ii, 147.

aesar was a god who had returned to heaven where his ar had been seen ascending.[10]

In such an atmosphere it was impossible for the conirators to live; paralyzed with fear, they thought only f flight. Such of them as Marcus Brutus, Decimus rutus, Cassius, Cimber, and Trebonius slipped away to ıe provinces the regent had assigned them, while the rest ought shelter in the shadows of their friends. With their ıbsequent histories we are not directly concerned. What emains to be said will be confined to the duel to the death etween Cicero and Mark Antony. After the latter, by is consummate art and eloquence, had driven from Rome ıose who had planned and executed the assassination of aesar, but one real gladiator remained in the arena, a adiator who resolved to defend alone the fallen Repub- c in its death agony and to go down with it into the rave, as the last and noblest champion of Roman free- om. Cicero drew a perfect picture of himself when, in ıe Third Philippic, he said:

Leaders slipped away.

Cicero the champion of the fallen Republic.

> And now (may the immortal gods avert the omen!) if the last ur of the Republic has arrived, let us, the foremost men of all e world, resolve like brave gladiators to perish with honor. Let prefer to fall with dignity rather than live on like slaves in ıominy.[11]

During the five months and more that intervened beeen the death of Caesar and the meeting in September the Senate in which the great orator pronounced the rst Philippic, Antony, senior consul and official head of e state and army, did his utmost to draw into his own nds every resource, financial, political, and military,

[10] "In deorum numerum relatus est non ore modo decernentium sed persione vulgi."

[11] III *Phil.*, 14.

which the regent had possessed as such. Not conte with seizing the public funds deposited in the Regia an temple of Ops, and all the papers of Caesar in possessio of Calpurnia, he invented a convenient device throug which he forced the new divinity to issue edicts and othe documents even after death. By securing the cooperatio of the late secretary Faberius[12] he was able to issue variety of forged edicts and orders, and to sell appoin ments, franchises, and titles in the nature of testamentar papers, declaring that he had found them in the regent archives. Edicts of which no one had ever heard wer engraved on brass tablets and hung up in the usual way o the Capitol, thus tempting Cicero to declare that Anton was able to do more in the name of Caesar dead tha Caesar himself could or would have done if alive "Though the king is slain, we pay respect to every nod o his majesty."

Acts done in the name of the dead Caesar.

Antony's appeal to Cicero in behalf of Sextius Clodius.

Antony, who left Rome in April, not returning unt after May 15, asked of Cicero in the interval to conse to the restoration of Sextius Clodius, of whom he was no the stepfather, from an exile that had lasted already eigh years, claiming even in this case to act in accordance wit a memorandum found among Caesar's papers. In rep the orator said:

> Of course my dear Antony, I give you my free consent, besid acknowledging that by expressing yourself as you have done yo have treated me with the utmost liberality and courtesy.[13]

Allusion was no doubt made to that part of Antony letter in which he had said:

> Although your fortunes, my dear Cicero, are now, I feel assure removed from every danger, nevertheless I think you would pre

[12] App., iii, 5; *Ad Att.*, xiv, 12, 1.

[13] *Ibid.*, xiv, 13

ending a peaceful and honored old age rather than one full of xiety. Finally, I claim a right to ask this favor of you myself; r I have omitted nothing that I could do for your sake.[14]

In estimating Cicero's subsequent struggles and sacri- es for the Republic, resulting in his death, it should ver for a moment be forgotten that if he had been will- g to sacrifice his convictions to his interests, the "peace- l and honored old age" thus assured him would have en beyond all question. Not until after Antony had rown off the mask behind which, for a time, he dis- mbled, intimating that he would act as a patriot, and al the innermost wounds from which the Republic was ing, did Cicero arouse himself to a course of patriotic nduct that exceeded in unselfish devotion even the great rt he had played in crushing the conspiracy of Catiline.

He could have secured a "peaceful and honored old age."

n June 7 he went by sea to Antium for a notable polit- l conference with Brutus (the first meeting since the ening of the ides), who was attended by his mother rvilia, and his wife Portia, and also by Tertulla, the ife of Cassius and sister of Brutus, by Favonius, and her friends.[15] While they were discussing the best urse to adopt, Cassius himself arrived; and after an ter want of plan had been disclosed, it was resolved that utus should use a commission he had to purchase grain Asia as a pretext for leaving Italy; Cassius, who orned to go to Sicily in that capacity, resolving to cross er to Achaea. Just before sailing for Greece in July, cero wrote to Atticus:

Meeting with Brutus at Antium.

Cicero sails for Greece.

I am leaving peace to return to war; and the season which ght have been spent in my favorite country places — so beauti- ly built and so full of charm — I am to waste on a tour abroad. e consolations are that I shall either do my son good, or make

[14] *Ad Att.*, xiv, 13. [15] *Ibid.*, xv, 10.

up my mind how much good he is capable of receiving. In th next place you will, as I hope and as you promise, soon be ther If that happens things will go better with me.[16]

But the winds and the waves were against him; neve more was he to leave his beloved Italy. While he wa waiting for a favorable breeze at the villa near Rh gium,[17] all his plans were changed by news brought b friends announcing Antony's purpose to call a meeting c the Senate for September 1, appearing as if he wer anxious to effect a reconciliation with Brutus and Cassiu A copy of a speech recently made by the consul to th people was then handed to Cicero, of a temper so plea ing that he resolved to return to Rome, where he arrive on the last day of August. Plutarch tells us that as h approached the city multitudes flocked out to meet him and that the whole day was spent in receiving the con pliments and congratulations of his friends as he passe along towards his great house on the Palatine.

Plans changed by news from Antony.

His position at this juncture was at once unique an imposing. Nearly all of the great actors contemporar with him had passed from the stage, many of them t bloody graves. His commanding intellect and reputa tion qualified him in a peculiar way for the unoffici leadership the Roman Senate and people were soon t thrust upon him. As the life and soul of the oppositio to Antony he was to become the spokesman of those wh called themselves, as Appian tells us, the Ciceronians— those who still clung to the traditions of the Republi

His unique position.

The Ciceronians.

[16] *Ad Att.*, xvi, 3.

[17] Afterwards, in describing these experiences, he said: "Enraged at th position of affairs, and despairing of freedom, I was on the point of hurr ing off to Greece, when the Etesian winds, like loyal citizens, refused further me in my desertion of the Republic, and a south wind, blowing my teeth, carried me back by his strong blast to your fellow-tribesmen Rhegium." — *Ad Fam.*, xii, 25.

d to the principles of the ancient constitution.[18] The oman mob and the veterans who attended Caesar's neral, driving the regicides from the city, may have presented the largest but not the only element in the pulation. Public opinion among the Romans of Italy ver wavered in its devotion to the republican cause til put down by armed force. About the middle of pril Cicero writes:

Feeling in the country towns.

In the country towns they are jumping for joy. In fact I can- describe to you how rejoiced they are, how they flock to see me, w eager they are to hear me speak on the state of the Republic.[19]

After Dolabella, the colleague of Antony in the con- lship, had ordered a pillar to be thrown down, which d been erected in the Forum to the memory of Caesar the spot where his body was burnt, and had executed e ringleaders of a riot that ensued, Cicero on May 1 rote:

"My admirable Dolabella."

My admirable Dolabella! For now I call him mine. Before s, believe me, I had my secret doubts. It is indeed a notable hievement — execution from the rock, on the cross, removal of e column, the contract given out for paving the whole spot.[20]

Some months later he wrote:

Though the Senate is courageous, it is the lowest in rank that most so. Nothing, indeed, can be firmer or better than the nper shown by the people and by the whole of Italy.[21]

Antony throws off the mask.

Cicero was met at Rome by the news that Antony d thrown off the mask and had ceased to dissemble;

[18] "Cicero was a conservative republican, belonging to the middle class; awyer by temperament as well as by profession, and as passionate a stitutionalist as Burke." — Herbert Paul, *Men and Letters,* p. 244.

[19] *Ad Att.,* xiv, 6.

[20] *Ibid.,* xiv, 15. In the absence of Antony (II *Phil.,* 42) Dolabella d pulled down the memorial column (I *Phil.,* 2), crucified those of the ers who were slaves, and hurled from the Tarpeian rock some who e free.

[21] *Ad Fam.,* xii, 4.

that he had announced his purpose to propose in fu
Senate a public thanksgiving in honor of Caesar's memor
Feeling that he could not, without the grossest hypocris
support a motion by which the dead regent would b
almost deified; and being unwilling to be forced into
position that would make him odious to the veterans, th
orator simply absented himself upon the ground that h
had not recovered from the exhaustion incident to h
rapid journey. Whereupon Antony became so enrage
as to declare in the Senate, after intimating that Cice
was planning an attempt upon his life and was slanderin
Threatens Cicero. and insulting him, that if he did not appear he would us
all his consular powers to bring him by force, and that
he resisted he would even send soldiers and smiths
break down the doors of his house.[22]

While smarting under that bitter insult, the orator di
attend the next day, September 2, and delivered the fir
of the fourteen immortal orations against Antony, calle
originally, as they should have been, Antonian Oratio
(Orationes Antonianae), a little afterwards changed b
the orator himself to Philippics, half in jest and half se
ously, in memory of the orations of Demosthenes again
Philip.[23] Juvenal, who wrote within a century of Cicero
First Philippic. time, called them *"divina Philippica."* When the Fir
Philippic is contrasted with the gorgeous and burnin
denunciation that followed it may be said to be a grav
dignified, and self-restrained criticism of Caesar's ac

[22] I *Phil.*, 5. Ferrero says, "The smiths were intended to break do
the doors, and not to destroy the house, as some historians explain." — v
iii, p. 98, note †.

[23] In the spring of 43 B.C., Brutus, referring to Philippics V and X, wr
to Cicero: "You are, of course, waiting for my praise of them at this ti
of day! I cannot decide whether it is your courage or your genius that
the most admirably displayed in these pamphlets. I quite agree in th
having even the title of Philippics, by which you jestingly describe them
one of your letters." — *Epist. ad Brut.*, ii, 5.

nd Antony's policy, without being a declaration of war. was firm but conciliatory; it urged peace, and offered mpromise. And yet he had said enough against the nsul to settle the fact that he left the Senate his declared iemy.

The bitter Ciceronian gibes, especially those relating the forged documents, so incensed Antony that he tired for two weeks to the villa of Metellus Scipio at ibur, the modern Tivoli, where, with the aid of a rhetor, formulated his reply to Cicero which he delivered in Antony's reply.
e Senate on the 19th. In this violent invective, limited the main to the orator's public life, he began his charges ith the events connected with the conspiracy of Catiline id ended with the accusation that he had actually organ-ed the conspiracy for the assassination of Caesar.[24] ot wishing to give way to his anger and fearful of the achinations of Antony and his veterans, Cicero pru-ently remained away on that day. He afterwards de-ared that if he had not taken that precaution, he would ave been murdered by the soldiers on guard even within ie walls of the Senate-house.

There can be no doubt that this sudden change of front on the part of Antony was prompted by the necessity fixing more firmly his leadership of the Caesarians, no were inclined to drift to the real heir, Octavianus, e grandson of Caesar's sister Julia, who at the time his uncle's death was at Apollonia in Epirus. After Arrival of Octavianus.
s arrival at Naples in April he sought an interview with cero at Cumae, where he did all in his power to win Meets Cicero at Cumae.
n to his cause. On the twenty-second of the month cero wrote:

[24] II *Phil.*, 12; *Ad Fam.*, xii, 2. Cicero says in that letter, "He accuses of being the instigator of Caesar's assassination, with no other motive n that of inciting the veterans against me."

Octavius here treats me with great respect and friendliness. H own people addressed him as "Caesar," but Philippius did not, I did not do so either.[25] I declare that it is impossible for him be a good citizen.[26] He is surrounded by such a number of peop who even threaten our friends with death. He says the prese state of things is unendurable. But what do you think of it, whe a boy like that goes to Rome, where our liberators cannot be safety?[27]

Allies himself with republicans and appeals to the veterans.

When he did go to Rome, and found out there tha Antony, who had appropriated his inheritance, was in clined to treat him with contempt, he proceeded at onc to ally himself with the republicans. But what was mor ominous, Octavian, who had just completed his nineteent year, prompted his agents to incite the legions at Brun dusium to abandon Antony, while he himself appealed t Caesar's veterans, settled on their lands in Campania, t come to his standard. The most important asset whic the regent had left behind him, from a political point c view, was represented by thirty-six legions to whose train ing as fighting machines he had devoted the best energie of his life.

Value of professional soldiers.

Veteran soldiers were even more valuable in the ancien than in the modern world, for the reason that it wa practically impossible to train short-service men in th use of the arms employed in those times, when a fe professional soldiers could put to rout hosts of half trained men. In organizing bodies of mercenary troops Caesar had made it profitable to become a soldier, an along with self-interest and discipline, he had infused int his legions such personal devotion for himself that thos

[25] Having been adopted in Caesar's will, the future Augustus was no properly Caius Julius Caesar Octavianus, the adjective form of his origin name.

[26] Reading "bonum civem esse."

[27] *Ad Att.*, xiv, 12.

ıo had fought and conquered under him were not only ger to avenge his death, but to set aside the amnesty anted to those who had brought it about. It is not erefore strange that at a time when the struggles for e allegiance of the veteran legions were the pivots upon ich every political movement turned, everybody should inquiring as to the views the veterans might take. othing so vexed the soul of Cicero as the necessity for ıtinually pandering to the feelings and interests of the teran troops. In one of the Philippics he cries out:

Cicero denounces their influence.

> What, in the name of all that is mischievous, is the object of rays opposing the name of the veterans to every good cause? r even if I were attached to their virtue, as indeed I am, still if y were arrogant I should not be able to tolerate their airs. hile we are endeavoring to break the bonds of slavery shall any- e hinder us by saying that the veterans do not approve of it?[28]

And yet, sad as it was, the fact remained that after e civil wars since the year 49 B.C., a period of only five ars, a sixth was about to begin whose outcome depended nost entirely upon what the veteran legions might ap- ove or disapprove. No matter what Cicero, Antony, Octavian might say, the event depended upon what e heaviest battalions resolved to do. Thus the center gravity of the state had shifted. Under the old con- ution those who aspired to supreme political power Rome asked it at the hands of the citizens assembled the Forum or Campus Martius; under the new Caesa- n system such power had to be sought in the camps the veteran legions.

Center of gravity of the state with the legions.

The Senate might remain as a Council of State; the magistrates ht bear their old names, and administer their old functions. the authority of the executive government lay in the loyalty,

[28] X *Phil.*, 9.

the morality, and the patriotism of the legions to whom the pow had been transferred.[29]

With a perfect appreciation of the value of the legion Antony, who had been prompt to win Lepidus on th night of the ides, had ordered four of the Macedoni legions, the Second, Fourth, Thirty-fifth, and Martia to cross the Adriatic; and in that way Octavian fou them at Brundusium in October, 44 B.C., where t

First struggle for the military power.

first struggle between the heirs of Caesar for the po session of the military power really began. In the ho of arousing the Caesarians to enthusiasm Antony scribed upon the pedestal of a statue of Caesar on t Rostra the words *parenti optime merito*,[30] and October 4 or 5 there was a rumor that he had discover assassins in his house who admitted that Octavian h sent them to murder him. About the middle of the mon Cicero wrote:

> In short, I have great hopes of him [Octavian]. There is no ing he may not be expected to do for fame and glory's sa Antonius, however, our whilom intimate friend, feels himself be the object of such violent dislike, that though he caught t assassins within his doors he does not venture to make the f public. On October 9 he set out to meet the four Macedoni legions, planning to win them over to his side by money-bounti to lead them to the city, and station them as fetters on our necks

Antony's partial success.

When Antony appealed to these legions, even wi "money-bounties," to follow him, he was only able win over the Second and Thirty-fifth; and after he h inflicted a terrible punishment upon the Martian[32] and t Fourth legions for their disaffection, both declared f Octavian after Antony had returned to Rome. In ord to advance his military plans Antony had this month o

[29] Froude, *Caes.*, p. 396.
[30] *Ad Fam.*, xii, 3.
[31] *Ibid.*, xii, 23.
[32] App., *B. C.*, iii, 43; III *Phil.*, 4

ned from the people a law *(lex de permutatione pro-ciarum)*,[33] directing an exchange of provinces by which Decimus Brutus was to be removed to Macedonia that Antony himself could take his command in Cisal-ne Gaul, given to him by Caesar and confirmed by the nate after his death. Once in possession of that all-portant post, and backed by a strong military force, the nsul believed that he would have at his mercy not only e capital but the wide plains of the region now known as dern Lombardy.

A law for the exchange of provinces.

When Decimus Brutus refused to give up as governor Cisalpine Gaul upon the ground that Antony's action s unconstitutional if not illegal, the consul collected the forces that still remained faithful to him, and on vember 20 left the city, and pressed northward, hoping surprise and crush his adversary, whose large army nsisted mainly of recruits not to be relied upon in the en field against veterans. For that reason, Decimus aited the attack behind the powerful walls of the fort-s of Mutina, where he was besieged by Antony until following April. There the last stand was made r the Roman Republic; there the veteran legions com-ted the transfer of the sovereign power to the new litary monarchy.

Decimus Brutus besieged by Antony at Mutina.

When Antony abandoned the capital for the siege of utina, the two arch enemies he left behind him were cero and Octavian. After the consul's violent speech September 19, Cicero resolved to write a reply which uld be not only a defense of himself but a flame-eathed portrait of his adversary. The Second Philip-, which was intended only as a political pamphlet for olication, seems to have been prepared at his villa

Second Philippic.

[33] Livy, *Per.*, cxvii.

near Puteoli, where it was completed at the end of Oc ber, when it was sent to Atticus with a letter saying:

I am sending you my speech. As to whether it is to be loc up or published, I leave to your discretion. But when shall we the day when you shall think it ought to be published?[34]

The next day he wrote:

How I fear your criticism! And yet why should I? W care I for a speech which is not likely to see the light unless Republic is restored?[35]

This most brilliant and ferocious of all invectiv excepting perhaps the denunciation of Midias by Dem thenes, thus passed into the hands of the publisher, wh it remained until early in December. On November Cicero received an important letter from Octavian, t contents of which he repeats to Atticus:

Octavian consults Cicero.

He is entering upon a serious undertaking. He has won ove his side all the veterans at Casilinum and Calatia. And no w der: he gives a bounty of 500 denarii apiece. Clearly, his viev a war with Antony under his leadership. So I perceive that bef many days are over we shall be in arms. But whom are we to low? Consider his name, his age.[36] Again, he demands a sec interview with me, at Capua of all places! It is really quite chi ish if he supposes it can be kept private. . . . . He wanted advice whether he should start for Rome with an army of 3,0 veterans, or should hold Capua, and so intercept Antony's advan or should join the three Macedonian legions now sailing by *Mare Superum,* which he hopes are devoted to him.[37]

[34] *Ad Att.,* xv, 13.

[35] *Ibid.,* xv, 13.

[36] In the *Monumentum Ancyranum,* § 1, Octavian thus begins the rec of his achievements: "When nineteen years old [he was born in Septem 63 B.C.] I collected an army on my own account and at my own expense means of which I restored to liberty the Republic, which had been ensla by the tyranny of a faction."

[37] *Ad Att.,* xvi, 8.

Cicero advised him to go to Rome.

He is advised to go to Rome.

For I think he will have not only the city mob, but, if he can ress them with confidence, the loyalists also on his side. O itus, where are you? What an opportunity you are losing![38]

When Octavian continued his attempt to draw Cicero his side by asking for advice and senatorial initiative, orator made excuses, which he thus explained:

cannot trust in one so young; I am in the dark as to his dispo- n. I am not willing to do anything without your friend Pansa. n afraid of Antony succeeding, and I do not like going far from sea; and at the same time I fear some great *coup* without my g there. Varro, for his part, does not like the youth's plan. I not agree with him. He has forces on which he can depend. can count on Decimus Brutus, and is making no secret of his ntions. He is organizing his men in companies at Capua; he is ng them their bounty-money.[39]

Has forces on which he can depend.

Desperately resolved to destroy Antony through a lition with the republicans, headed by Cicero and cimus, Octavian wrote daily letters to the former, pealing to him "to save the state for a second time,"[40] to the latter promising to reenforce him with five ons. Against such promises stood the distrust excited his recent speech in the Forum during which he ex- ded his hands towards Caesar's statue and swore: surely as he hoped he might be permitted to attain is father honors," a declaration that forced Cicero ay: "I would not even be saved by such a one."

n the midst of such conflicting interests and emotions orator moved northward towards Rome, where at end of November the drift was decidedly in favor of avian and against Antony, who seemed to have lost hold there after his departure for Mutina. On De-

Drift in favor of Octavian.

[38] *Ad Att.*, xvi, 8. [39] *Ibid.*, xvi, 9. [40] *Ibid.*, xvi, 2, 6.

cember 9 Cicero went into the city, and on the next d
the new tribunes of the people, one of them the regici
Casca, took up office. In a few days they resolved
convoke the senate for December 20, a conclusion reach
at the very moment when a great sensation was creat
in the capital by the news that Decimus had published
edict declaring that he would ignore Antony as govern
of Gaul, and would continue to hold the province for t
Senate.[41]

The supreme moment had arrived; a life and dea
struggle with the bold, able, and experienced Anto
was at hand; there was a chance to overthrow the Ca
arians and restore the Republic, if only a leader could
found equal to the emergency. There was but one lead
possible and he was full of doubts and fears. The
could be no hope of success without Octavian, who
manded the *imperium* of a propraetor; and certai
it was perilous to give official authority to a young m
of nineteen bearing Caesar's name and with Caesar's v
erans under his command. Under such conditions wou
the conqueror of Catiline undertake to save the Repub
a second time?

Decisive hour of Cicero's life.

This was the decisive hour of his life, the moment of supre
audacity, of final self-sacrifice, or permanent glory. That morn
(December 20) he took the decisive step; at the age of sixty-t
more capable of wielding the pen than the sword, the leader of t
political world in which equivocation had reigned supreme
eight months, he plunged into the vast and unknown dangers wh
barred the progress of his generation, with an audacity which
only be regarded as heroic when his natural timidity and the
rible uncertainty of the situation are remembered.[42]

Second Philippic published.

A week or more before, perhaps, Atticus had publish
the Second Philippic, destined to become an unriva

[41] III *Phil.*, 4. [42] Ferrero, vol. iii, p. 124.

ıssic in all the rhetorical schools of the Roman and of e modern world — a tremendous outburst in which all e ferocity of tragedy, all the power of pathos united th all the resources of humor and mirth in an impeach- ent of Antony, whose crowning crime was his attempt call back kings to Rome!

What can be more scandalous than for that man to live who ıced a diadem on a man's head, when everyone confesses that at man was deservedly put to death who rejected it? . . . . ıd are you then diligent in doing honor to Caesar's memory? o you love him even now that he is dead? What greater honor d he obtained than that of having a holy cushion, an image, a mple, and a priest? As then Jupiter, and Mars, and Quirinus ve priests, so Marcus Antonius is the priest of the God Julius. hy then do you delay? Why are you not inaugurated? . . . . ıd what a life is it, day and night to be fearing danger from one's n people! Unless, indeed, you have men who are bound to you greater kindnesses than some of those men by whom he was in were bound to Caesar; or unless there are points in which you ı be compared with him.

Antony contrasted with Caesar.

In that man were combined genius, method, memory, literature, udence, deliberation, and industry. He had performed exploits war which, though calamitous for the Republic, were never- eless mighty deeds. Having for many years aimed at being king, he had, with great labor and much personal danger, accom- shed what he intended. He had conciliated the ignorant mul- ude by presents, by monuments, by largesses of food and by nquets; he had bound his own party to him by rewards, his versaries by the appearances of clemency.

Why need I say much on such a subject? He had already ought a free city, partly by fear, partly by patience, into a bit of slavery. With him I can, indeed, compare you as to ır desire to reign; but in all other respects you are in no degree be compared to him. . . . . Consider, I beg you, Marcus An- nius, do some time or other consider the Republic: think of the mily of which you are born, not of the men with whom you are ing. Be reconciled to the Republic. However, do you decide

on your own conduct. As to mine, I myself will declare w
that shall be. I defended the Republic as a young man; I
not abandon it now that I am old. I scorned the sword
Catiline, I will not quail before yours. No, I will rather ch
fully expose my own person, if the liberty of the city can
restored by my death.[48]

Third Philippic.

Of a widely different character was the Third Phil
pic, delivered in the Senate on December 20, after Cic
had answered the question of questions by his resolve
accept the leadership and to risk everything in the eff
to save the Republic a second time. It was a calm, w
speech, demanding neither peace nor war as necessa
alternatives. It was an appeal to the Senate to comme
Brutus for his edict, Octavian, "a youth, nay, almost
boy," for his public services in the enlistments, the t
revolted legions for their action. At the close he p
posed that there should be a repudiation of the distri
tion of the provinces as made by Antony on Novemb
20, and that the governors then in office should be p
mitted to remain until successors could be appointed.

Fourth Philippic.

After delivering his speech in the Senate, Cicero p
ceeded to the Forum, where he communicated his p
posals to the people by a *contio,* known as the Fou
Philippic, in which he said that "the Senate has no lon
been content with styling Antonius an enemy in wor
but it has shown by actions that it considers him on
Thus the new head of the senatorial government
beyond all question the fact that Antony was no lon
a Roman consul but a public enemy.

Ambassadors to Antony, January, 43 B.C.

After the new consuls, Hirtius and Pansa, had
January 1 of the year 43 B.C., delivered their speech
Fufius Calenus asserted that Antony did not desire w

[48] II *Phil.,* 34 *sqq.*

oving at the same time that ambassadors be sent to open ace negotiations with one who had now lost his official aracter. Servius Sulpicius and Publius Servilius then llowed, proposing that Octavian should be given the mmand of an army with the rank of propraetor, and at he should be eligible for offices as if he had held ready the quaestorship.

Realizing that the republican cause could only be advanced by revolutionary methods, Cicero met the situation thus presented by the furious assault upon Antony ntained in the Fifth Philippic, attacking both his public dministration and his private life, and pointing it all ith the intimation that his ulterior object was to capture ransalpine Gaul so as to be able to return with sufficient forces to enable him to seize the capital. He therere urged that a *tumultus* and state of siege should be oclaimed, and that a golden statue should be dedicated Lepidus in recognition of his republican opinions. The xt day the debate was resumed. Octavian was to be lmitted to the Senate among the senators of consular nk, and he might apply for the consulship ten years fore the legal time.[44] In pledging himself for the uth's loyalty Cicero said: "I do promise, and pledge rself, and undertake that Caius Caesar will always be ch a citizen as he is this day, and as we ought above all ngs to wish and desire that he should be."

Fifth Philippic.

Cicero guaranteed Octavian's loyalty.

The issue was now peace or war, and the few declared ends of Antony in the Senate even went so far as to nd the ex-consul's aged mother and Fulvia from house to use hoping to restrain those senators who were hesiting,[45] Cicero making another speech on the third of the

[44] *Mon. Anc.*, i, 3–5; App., *B. C.*, iii, 51; Livy, *Per.*, cxviii.
[45] App., *B. C.*, iii, 51, 54.

month in the hope of bringing the waverers to his view. Finally, on the 4th, after a speech from Piso, a compromise was reached under which it was agreed that Sulpicius as the representative of the republicans, Piso as the representative of the Caesarians, and Philippus, the stepfather of Octavian, should be sent as ambassadors, not to treat for peace, but to command Antony to return from Cisalpine Gaul to Italy, it being stipulated that a *tumultus* would be proclaimed if he disobeyed. In the meantime one of the consuls would take the supreme command and lead to Gaul the forces Octavian had already prepared at Arretium. On the same day, before an immense assembly on the Forum, Cicero, in a discourse known as the Sixth Philippic, gave an account of all that had been done, concluding with this declaration:

A compromise reached.

Sixth Philippic.

> Matters are now at a crisis. We are fighting for our freedom. Either you must conquer; which indeed you will do if you continue to act with such piety and unanimity, or you must do anything rather than become slaves. Other nations can endure slavery; liberty is the inalienable heritage of the Roman people.[45a]

At this critical moment of waiting, which may be considered the prologue to the civil war soon to begin in the valley of the Po, Cicero became, in fact, if not in law, the head of the senatorial government of the Republic. In the words of a very clear thinker:

> The magistrate might, without any dereliction of duty, confine himself to naming the subject which the Senate was to discuss; it was open to the private senators to make any motion on the subject in hand, and this motion, if approved by a majority of voices, became a binding instruction to the executive. Thus Cicero, though without any formal office, took the responsibility of the initiative and shaped the policy of the Republic. He was, in fact, prime minister of Rome.[46]

Cicero prime minister of Rome.

[45a] VI *Phil.*, 6.

[46] Strachan-Davidson, *Cicero*, p. 406.

As such he was forced to discharge the duties of many the missing officers of state, to read many letters, to ake many speeches, and above all to breathe into the eak and wavering a fiery enthusiasm and force such as had scarcely possessed in his earlier years.

After the great speeches of December 20 and January 1, the dacious figure of the old orator stood out amidst the universal cillation like a huge erratic boulder in the midst of a plain. e was requested upon every side to unmask dangers and to vise upon precautions, and was himself obliged to intervene public business to secure the execution of his decrees, which herwise would have been dead letters.[47]

Before the return of the ambassadors, and while partiins of Antony in the city, with Calenus at their head, re striving to win friends by representing him as eager r an accommodation, in a meeting of the Senate conked by Pansa for the dispatch of matters of routine, cero abruptly warned them that there was more imporit business to be disposed of. In the Seventh Philippic, en delivered in the second half of January, the orator oke as the leader upon whom the burden rested, saying:

Seventh Philippic.

On no condition will I make peace with Antony. If we can- live in freedom let us die. . . . . What hope then is there t there ever can be peace between the Roman people and the n who are besieging Mutina and attacking a general and army the Roman people?[48]

No peace with Antony.

After the return of the ambassadors early in February, nsa immediately convoked the Senate to receive their port, stating that Antony would neither yield to the mands of the Senate nor permit them to transmit its cussions to Decimus Brutus. His principal counter mands (which they had no right to bring) were that

[47] Ferrero, vol. iii, pp. 129–30. [48] VII *Phil.*, 8.

he should retain Transalpine Gaul with six legions; tha his acts and those of Dolabella were not to be annulled that his troops were to receive lands; and that ther should be no account required of him of the money take from the temple of Ops. After Cicero had stated hi opinion that as Antony had refused to obey the Senat he should be declared *hostis*, Calenus, backed by Pansa who was constantly supporting the Caesarians, carrie through a milder measure. On the next day when the Sen ate met to put its resolves into definite form, Cicero deliv

Eighth Philippic.

ered the Eighth Philippic as a protest against the irreso lution of the day before. As the inflexible leader, wh stood alone with a whole-hearted desire for war, he said

> What a responsibility it is to support worthily the character o a chief of the Roman commonwealth; those who bear it shoul shrink from offending not only the minds but the eyes of thei fellow-citizens. When they receive the envoy of our enemies a their houses, admit him to their chambers, even draw him apar in conversation, I say that they think too little of their dignity too much of their danger.[49]

In conclusion he said:

> I give my vote, that of those men who are with Marcus An tonius, those who abandon his army, and come over either t Caius Pansa or Aulus Hirtius the consuls; or to Decimus Brutus imperator and consul elect; or to Caius Caesar, propraetor, befor the fifteenth of March next, shall not be liable to prosecution fo having been with Antonius.[50]

So effective was this ardent speech, whose main pur pose was to discredit Antony's champion, Calenus, tha the proposal was passed. Probably on the same day wa

Ninth Philippic, funeral honors to Sulpicius.

delivered the Ninth Philippic, devoted to the particula kind of funeral honors to be paid to the great jurist Servius Sulpicius, one of the ambassadors, who being i

[49] VIII *Phil.*, 10. [50] *Ibid.*, 11.

health had died by reason of his journey to the camp
Antony. Supporting Pansa's contention that the
ıse of his death and not the nature of it was the true
terion, Cicero pleaded for a small funeral monument
the expense of the state, and an equestrian statue in
Forum such as was customary in honor of ambassa-
rs who were actually killed in the service of their
bassy. In speaking of this cherished friend of his
lier years, who enjoyed the reputation of being not
y the first lawyer of his time, but the first of all who
er studied law as a profession at Rome,[51] he said:

> Restore then, O conscript fathers, life to him from whom you
> e taken it. For the life of the dead consists in the tender
> ollection of them by the living. Take ye care that he, whom
> , without intending it, sent to his death, shall from you receive
> nortality.[52]

The scene now shifts suddenly from Cisalpine Gaul to
ıcedonia, from Decimus Brutus to Marcus Brutus, Marcus Brutus in Greece.
o in the preceding autumn of 44 B.C., had arrived at
ıens where, like any private individual, he began to
end lectures on Greek philosophy, along with a group
young Roman students,[53] among whom were Cicero's
ı Marcus, Domitius Ahenobarbus, and a young man by
name of Flaccus, whose father was an intelligent and
althy freedman. When these young men, who ex-

[1] As to his works, see Pompon., l. c., 43, 44. His pupil was Aulus Ofilius,
n called the Tribonian of the Republic, who is supposed to have been
ulted by Julius Caesar as to his great but unrealized plan for a codifica-
of Roman law. On that subject, see Sanio, *Rechtshistorische Abhandl. u.*
lien (Königsberg, 1845), pp. 68–126.

[2] IX *Phil.*, 5.

[3] Plut., *Brut.*, 24. Cicero, speaking of the departure of Brutus, said:
aw him depart from Italy in order not to cause a civil war there. O,
owful spectacle, I do not say for man only, but for the waves and the
es! The savior of his country was forced to flee; its destroyers
ained all-powerful." — X *Phil.*, 4.

tended a most cordial welcome to the regicide, learne that Trebonius, also one of the regicides, was sendin sixteen thousand talents (about £320,000) to Rome fron his rich province of Asia; and that the official in charg of this tribute would touch at Greece, they persuade Brutus to induce the envoy to hand over the money s that it might be used in the interests of the republican against the Caesarians.

Collects a small army and wins successes.

Thus in possession of the sinews of war a small arm was rapidly collected under the command of Brutus, wh in December, 44 B.C., surrounded by a band of youn admirers including Horace,[54] went to Thessalonica, wher Hortensius, the governor of Macedonia, who was with out troops, recognized him as his successor. Encourage by such success, Brutus by a forced march reached th shores of the Adriatic about January 20,[55] with the pur pose of overcoming Vatinius, a Caesarian, who was gov ernor of Illyria. After accomplishing, through a serie of happy accidents, that undertaking, Brutus sent letter to Rome asking the Senate to approve his actions.[56] Whe like a bolt from the blue they arrived at the capital abou the middle of February, Pansa hurriedly convoked th Senate for the next day.

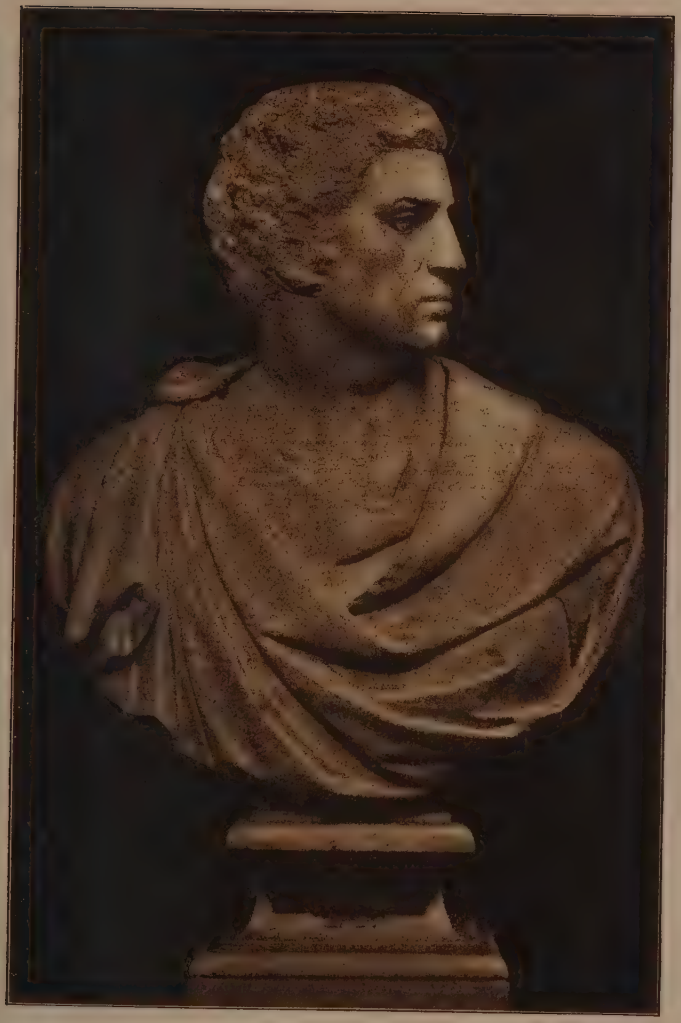
Asks the Senate to approve his action.

In the midst of the excitement caused by news tha

[54] Horace was in the army of Brutus the greater part of two year (43–42 B.C.), and in that way had the opportunity to visit Thessaly, Mace donia, and Thrace, and many famous cities in Asia Minor mentioned i his poems in a way that implies personal acquaintance. He remained wit Brutus to the end, participating in the victory and subsequent rout a Philippi. Returning to Rome, he found his father dead and his estate swep away in the confiscation of the territory of Venusia. He had, however saved money enough from his two campaigns to enable him to purchase clerkship in the quaestor's office. Thus poor in purse and still poorer i favor, he began life again at the age of twenty-three. See article b Clement Laurence Smith in *The Lyric Poems of Horace,* vol. i, pp. 34–35

[55] Gauter, *Neue Jahrb. für. Phil. u. Päd.,* 1895, pp. 620ff.

[56] X *Phil.,* 6; Liv., *Per.,* 118; Dio, xlvii, 21; Plut., *Brut.,* 26; Ferrero vol. iii, pp. 135 *sqq.*



BRUTUS. National Museum, Florence.

ed the hopes of the republicans and depressed those
he friends of Antony, the latter did all in their power
prevent an approval by the Senate of Brutus' conduct.
enus said that favorable action in that direction would
doubt entirely alienate the sympathies of the veterans.
en it was that Cicero delivered the Tenth Philippic as
emphatic indorsement of the revolution brought about
Brutus, with the aid of his own son Marcus, who had
tted his studies at Athens and taken the field inde-
dently, receiving the surrender of a legion commanded
L. Piso — certainly a triumph for the senatorial gov-
ment at Rome of which the orator was the head!
n we wonder when he exclaims:

Tenth Philippic.

> The Roman people there are now in possession of Macedonia, Illyricum, and Greece. The legions there are all devoted to the light-armed troops are ours, and, above all, Brutus is ours, always will be ours — a man born for the Republic, both by own most excellent virtues, and also by some special destiny name and family, both on his father's and on his mother's side.[57]

He concluded by moving that the Senate approve the
itary acts of Brutus in Macedon and Illyricum, con-
n his future acts, and legalize his appropriation of
lic funds and supplies, admonishing him at the same
e to remain as near Italy as possible.
Here reference must be made to the terrible fate of
ebonius, whose confiscated tribute made Brutus' revo-
onary coup possible. In the first days of March, 43
., news arrived that Dolabella, who had left Rome
ore the expiration of his consulship to take possession
Syria, which Antony had contrived to have allotted to
, had entered Asia with a legion and a body of cav-
, had treacherously seized Trebonius at Smyrna, and

Terrible fate of Trebonius at the hands of Dolabella.

[57] X *Phil.*, 6.

had put him to death after subjecting him to the extremes of torture in the hope of forcing him to disclose the whereabouts of the money.[58]

Calenus, in order to shield Antony in the midst of the storm of indignation excited by the dreadful act, made a fierce attack upon Dolabella, asserting his willingness to declare him a public enemy and proposing at the same time to entrust to the two consuls, after they had relieved Mutina, the conduct of military operations against him.[59] As a counter-proposition Cicero suggested that such operations should be entrusted to Cassius, together with the proconsulship of Syria; and upon that subject he pronounced the Eleventh Philippic in which the crime of Dolabella, as the apt pupil of Antony, is painted with all the lurid color a master of the human passions could impart to it.

Eleventh Philippic.

> You see now an image of the cruelty of Marcus Antonius in Dolabella; this conduct of his is formed on the model of the other. It is by him that the lessons of wickedness have been taught to Dolabella. Do you think that Antonius, if he had the power, would be more merciful to Italy than Dolabella has proved in Asia? To me, indeed, this latter appears to have gone as far as the insanity of a savage man could go; nor do I believe that Antonius either would omit any description of punishment if he had the power to inflict it.[60]

In the meantime the siege of Mutina languished; and in the midst of the general hesitation the Senate resolved in March to send a fresh embassy to Antony composed of five members from all parties, including Cicero himself,[61] a move supplemented by an obsequious letter from Hir

A fresh embassy to Antony proposed in March.

[58] Dio, xlvii, 29; Livy, *Epit.*, 119; XI *Phil.*, 2; App., *B. C.*, iii, 26.
[59] *Ibid.*, 9.
[60] *Ibid.*, 3.
[61] *Ibid.*, 1. Cicero's colleagues were to be P. Servilius, Fufius Calenus L. Piso, and L. Caesar.

s and Octavian. Antony's counterblast to such akness was an insulting reply to the two last named of narkable literary merit, in which, after eulogizing the assination of Trebonius, he declared that he would nain faithful to Dolabella, whom he praised for his ire to punish Caesar's murderers, defended, he said, Hirtius and Octavian, as members of the party t wished to rob the veterans of their reward. After ressing his willingness to receive the ambassadors if y came, he added that he did not think their arrival bable.

His insulting reply.

Before Antony's letter was received at Rome on March to 19, the embassy had in fact been annulled; and cero and his supporters realized that they had been ped[62] when it became evident that the real object of tony's friends in proposing it was to gain time for ntidius to join him at the head of three veteran legions. the Twelfth Philippic, delivered at the next meeting the Senate Cicero, in the midst of whispers of treachery, ed out,

Twelfth Philippic.

> We have been deceived — we have, I say, been deceived, O conipt fathers! It is the cause of Antonius that has been pleaded his friends, and not the cause of the public. And I did indeed that, though through a sort of mist; the safety of Decimus utus had dazzled my eyesight.[63]

The time for action had now arrived; with the return fine weather the siege of Mutina was approaching a isis. Early in January Hirtius had joined Octavian, d some weeks later the two had advanced as far as ononia — Forum Gallorum lying midway between that int and Mutina. Shortly after March 19, the other nsul, Pansa, moved northward at the head of four

Siege of Mutina approaching a crisis.

[62] XII *Phil.*, 7. [63] *Ibid.*, 2.

new legions, which, added to the three ordered from Africa, the three of Octavian and the four of Decimus made fourteen now on foot which had been newly recruited or reenlisted within a few months, an effort that compelled Pansa to employ all the armorers he could find at Rome.[64] At such a moment Cicero did all in his power to secure the support of Lepidus, governor of Nearer Spain and Southern Gaul, and of Plancus, governor of Northern Gaul, whose armies might have a decisive influence in deciding the conflict. When their attitude and that of their generals was still in doubt, he wrote to Lepidus:

Cicero's effort to secure Lepidus and Plancus.

> I am glad to hear that you profess yourself desirous of promoting peace between citizens. If you connect that peace with liberty, you will do good service to the state and to your own reputation. But if your peace is to restore a traitor to the possession of an unbridled tyranny, then let me tell you that all true men have made up their minds to accept death rather than servitude.[65]

To Plancus he wrote:

> You recommend peace while your colleague is besieged by a gang of rebels. If they want peace, they should lay down their arms and beg for it; if they demand it by force of arms, then we must win our way to peace through victory, not through negotiation.[66]

On March 20, after letters had been read to the Senate from Lepidus and Plancus, betraying an anxiety to avoid a decision, Cicero, fearing their effect, made the furious and eloquent appeal for war embodied in the Thirteenth Philippic, pronounced in the last free Senate in the history of Rome.

Thirteenth Philippic.

> From the beginning of this war which we have undertaken against those impious and wicked citizens, I have been afraid lest

[64] VII *Phil.*, 4. [65] *Ad Fam.*, x, 27. [66] *Ibid.*, x, 6.

he insidious proposals of peace might dampen our zeal for the ecovery of our liberty.[67]

And then, in order to emphasize that contention, the rator read, paragraph by paragraph, with drastic comments of his own, a letter received by Hirtius and Octavian from Antony insidiously designed to seduce them rom their allegiance:

I have read you this letter, O conscript fathers, not because I hought it worth reading, but in order to let you see all his parricidal treasons revealed by his own confessions.[68]

In concluding Cicero moved a formal commendation of Sextius Pompey, who — Tribute to Sextius Pompey.

. . . has acted as might have been expected from the affection nd zeal of his father and forefathers towards the Republic, and rom his own previous virtue and industry, and loyal principles n promising to the Senate and the people of Rome his own assistnce and that of the men whom he had with him.[69]

The doubt and anxiety that clouded the public mind down to the end of March and the beginning of April vas relieved somewhat when on the 7th of the month ast named further letters from Plancus to the magistrates nd Senate were read in which he said:

I required a considerable time, heavy labors, and great expense n order finally to make good my promises to the Republic and ll loyal citizens, and in order not to approach the task of aiding ny country with no equipment except good intentions, but with he requisite resources. I had to secure the loyalty of my army, vhich had been often tampered with by the offer of great bounties, nd to persuade it to look to the state for moderate rewards, rather han to a single person for unlimited ones. . . . . I saw from vhat had befallen my colleague the danger of a premature revelation of intentions by a loyal but unprepared citizen.[70] Further letters from Plancus.

[67] XIII *Phil.*, 1.
[68] *Ibid.*, 10 *sqq.*
[69] *Ibid.*, 21.
[70] *Ad Fam.*, x, 8.

Antony's discomfiture at Forum Gallorum.

Finally, on April 14 or 15, the opposing armies nea Mutina met at Castelfranco, then known as Forum Ga lorum, where Antony, confident of the support of Lepidu and of his position as Caesar's avenger, had taken th offensive. After a fierce engagement, in which he wa at the outset successful, Antony was finally so far ove

Death of Pansa.

come by the forces of the consuls and Octavian as to b compelled to retire during the night to his camp befo Mutina. During the battle Pansa received a wound which he died about a week later.[71]

After a false rumor, current at Rome about the 17 or 18th, to the effect that the senatorial army had bee annihilated, was dispelled by dispatches from Hirtiu telling of Antony's discomfiture, a great popular demo

Cicero's glorious day.

stration took place, multitudes flocking to Cicero's hou on the Palatine. The enthusiastic citizens escorted hi to the capitol and down on the Rostra and forced hi to make a speech received with great applause. On th glorious day he wrote to Marcus Brutus:

> I have no vanity in me — and indeed I ought to have none; y after all a unanimous feeling of all orders, thanks, and congrat lations do move my heart, because it is a thing to be proud of th in the hour of the people's preservation I should be the peopl hero *(popularis)*.[72] But I prefer for you to hear these thin from others.

Fourteenth Philippic.

Such was the prelude to the Fourteenth Philippic, th last oration ever published by Cicero, delivered in th Senate on April 21, where he demanded that a supplic tion of forty days should be decreed; that a monume should be erected to the fallen, "who had conquered their death," and that the bounties promised to the sen torial army should be paid to the kindred of the slai

[71] The news of his death reached Rome on the 26th.
[72] *Epist. ad Brut.*, i, 3.

Refusing to be carried away by the transport of the hour, he said that it would certainly be premature to accept the suggestion of Servilius that the citizens should relinquish the *sagum,* or robe of war; he considered it far more important for the Senate to declare Antony a public enemy *(hostis)* which, strangely enough, had not yet been done.

From the first of January to this hour [he said] I have never ceased watching over the Republic; that day and night my house and my ears have been open to the instruction and admonition of everyone; that it has been by my letters, and my messages and my exhortations, that all men in every part of the Empire have been aroused to the protection of our country; that it is owing to the open declaration of my opinion ever since the first of January, that no ambassadors have been sent to Antonius; that I have always called him a public enemy, and this a war; so that I, who on every occasion have been the adviser of genuine peace, have been a determined enemy to the pretense of fatal peace.[73]

Then moved, no doubt, by the spirit of the funeral oration delivered by Pericles in memory of those who had fallen in the Peloponnesian war, he said:

I, therefore, give my vote, O conscript fathers, that the most noble monument possible be erected to the soldiers of the Martian legion, and to those soldiers also who died fighting by their side. Great and incredible are the services rendered by that legion to the Republic. That was the first legion to tear itself from the piratical band of Antonius; that was the legion which encamped at Alba; that was the legion that went over to Caesar; and it was in imitation of the conduct of that legion that the fourth has earned almost equal glory for its bravery. The fourth is victorious without having lost a man; some of the Martian legion fell in the very moment of victory. O happy death, which, due to nature, has been paid, rather as a debt due to your country! But I consider you men born for your country; you whose very name is derived from Mars, so that the same deity who begot this city

Tribute to the Martian legion.

[73] XIV *Phil.,* 7.

for the benefit of the nations, appears to have begotten you f
the benefit of this city. Death in flight from the battle-field
Mars "selects the bravest from the ranks." disgraceful, but glorious in victory, for Mars himself usual
selects the bravest from the ranks. Those impious wretches
slew will pay the penalty of their parricide in the realms belo
while you who breathed out your latest breath in victory ha
gained the dwelling-place and home of the blessed. Brief is t
span of life given us by nature; but the memory of a life nob
spent is immortal. And if indeed it were no longer than th
life of ours, who would be so foolish as to face the extremity
toil and danger in order to win the highest glory and renow
It is well then, soldiers, with you — the bravest of the brave wh
you lived, but now sanctified by death. For your merit c
never be unsepulchered, either by the oblivion of those who n
exist, or the silence of posterity, since the Senate and Rom
people have raised to you, almost with their own hands,
imperishable monument.[74]

Second and last battle of Mutina. At the very moment Cicero was pronouncing this la
Philippic, really the funeral oration of the Roman Repu
lic, its armies were fighting the second and last battle
Mutina[75] in which Antony suffered so severely that, du
ing the night of April 21, while ignorant of the death
Hirtius, he resolved to abandon the siege and to fall ba
upon Lepidus in Gallia Nabonensis. After the death
Pansa, who died of his wounds in the night of the 2
and 23d,[76] Decimus Brutus, one of the slayers of Caes
and Octavian, his adopted son, were the surviving co
manders of the victorious senatorial army; and as su
they were expected, of course, to inflict upon the fleei
Antony the fate of Catiline.[77]

The news of the battle reached Rome, in a very exa

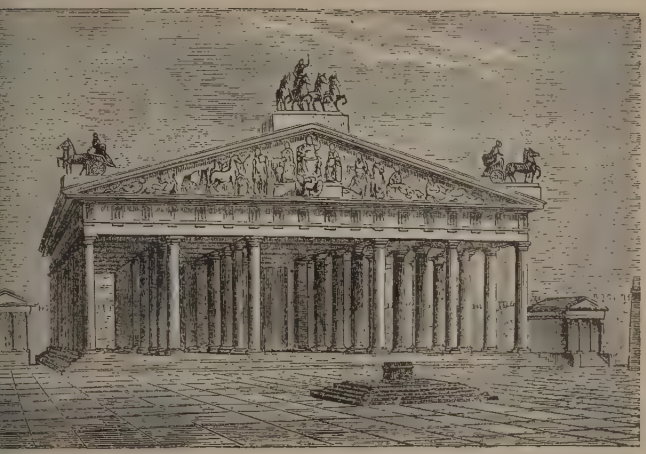
[74] XIV *Phil.*, 12.

[75] App., iii, 71. For the best account of the second battle, see Schm
Neue Jahrb. für Phil. u. Päd., 1892, pp. 323ff.

[76] *Ad Fam.*, xi, 13.

[77] *Epist. ad Brut.*, i, 3.

erated form apparently on April 25; and on the next day
e Senate met and proscribed Antony and his followers Antony and his followers proscribed.
on the assumption that his career was at an end.[78] For
moment it did seem as if Cicero's struggles and sacri-
es had not been in vain; it did seem as if the Republic
d been saved; it did seem as if his duel to the death with



Temple of Jupiter Capitolinus in which Cicero Delivered His Last Philippic

ntony had ended at last with the chief promoter of the
w monarchical system prostrate in the dust. But never
all history was the semblance of victory such a complete Semblance of victory an illusion.
usion. The great lover of liberty had wooed the God-
ss and had clasped a cloud. When he seemed to have
within his grasp, she whispered:

> Our revels now are ended. These our actors,
> As I foretold you, were all spirits, and
> Are melted into air, into thin air;
> And, like the baseless fabric of this vision,

[78] Lange, *R. A.*, vol. iii, p. 524.

> The cloud-capp'd towers, the gorgeous palaces,
> The solemn temples, the great globe itself,
> Yea, all which it inherit, shall dissolve
> And, like this insubstantial pageant faded,
> Leave not a rack behind.[79]

Antony converted defeat into victory.

With consummate art Antony, always greatest in m ments of supreme peril, converted defeat into victory winning to the Caesarian cause the generals in comma of the veteran legions who had no idea of sacrificing the selves or destroying each other for the benefit of the Se ate at Rome. They were beginning to understand th the new monarchical system founded by Caesar in t Mediterranean world, rested upon the assumption th those who controlled the mercenaries could control n only the provincial governments but affairs at Rome. is not therefore strange that the orator should have wr ten at this time to Marcus Brutus:

Political power the fruit of physical force.

> For we are flouted, Brutus, both by the airs assumed by t soldiers and the arrogance of their commanders. Each man clai to be powerful in the Republic in proportion to his physi force.[80]

Cicero foreshadowed all that was to happen when the Tenth Philippic he said:

> Finally let me speak one true word, one word worthy myself. If the resolutions of this House are to be governed the nod of the veterans, if all of our deeds and words are to fashioned at their will, it is better to wish for death, whi Romans have always preferred to servitude.[81]

Antony wins Lepidus.

Antony, with four legions and the cavalry, hastened a forced march across the Maritime Alps to appeal Lepidus, whose army was composed of seven of Caesa

[79] *The Tempest,* Act iv, sc. i. [80] *Epist. ad Brut.,* i, 10. [81] X *Phil.*

old legions,[82] and the appeal was not in vain. After the deed was done, Lepidus on May 30 wrote a brief letter to the Senate in which he said:

> I beg of you to consult for the highest interests of the Republic, and not to regard the compassionate feelings of myself and my army in the light of crime.[83]

Antony and Lepidus, now at the head of fourteen legions, jointly undertook to reorganize the great Caesarian army in the West, first by winning over Plancus and Pollio, next by effecting a reconciliation with Octavian, a task Lepidus himself assumed early in July, just at the moment when Caesar's heir was breaking with the senatorial government which had denied him the consulship. Emboldened by the prospect of an agreement with Antony and Lepidus, Octavian resolved upon a *coup d'état* which involved an expedition against Rome itself, whither he had sent his emissaries to reassure the masses as to his intentions and to urge them to revolt. He crossed the Rubicon early in August[84] with eight legions, and upon his arrival the African and Sardinian legions came over to his standard, the populace followed, the city surrendered, the senatorial party fled, and on the 19th, Octavian and his kinsman Pedius were elected consuls,[85] after the necessary formalities had been hurried through.

Octavian's *coup d'état.*

By appropriate action of the *comitia curiata* Octavian's adoption was ratified, and the *lex Pedia de interfectoribus Caesaris*[86] passed, subjecting the assassins of Caesar and their accomplices to the jurisdiction of a special court, no exceptions being made in favor of the tribune Casca, nor

Lex pedia de interfectoribus Caesaris.

[82] Stationed at Forum Voconii, twenty-four miles away.—*Ad Fam.*, x, 17.
[83] *Ad Fam.*, x, 35.
[84] App., iii, 88.
[85] Dio, xlvi, 45–45; App., iii, 92–94.
[86] Livy, 120; Dio, xlvi, 47–48; App., iii, 95.

of Marcus Brutus, then fighting against the Bessi, nor o Decimus Brutus who, with Plancus, was about to attac Antony, nor of Sextus Pompeius who had accepted th extraordinary powers his father had exercised in the wa against the pirates.[87]

The panic-stricken Senate, in which Cicero did nc appear, granted everything, including the donations de manded by Octavian of five thousand drachmas ($900 for each veteran, amounting for the eight legions to abou $7,700,000 — a sum, of course, not available. Caesar' heir had been greeted by great and small, including hi mother and sister who had been sheltered in the house o the Vestals. The Caesarian army, which preserved pe fect discipline, was thus in possession of Rome and Ital with Octavian at the head of eleven legions, controlling a the same time Gallia Narbonensis with the fourtee legions of Antony and Lepidus. In the presence of suc a menace the wavering Pollio resolved to come ove dividing, during September, his three legions betwee Lepidus and Antony.[88]

Caesarian army in possession of Rome and Italy.

The Caesarian combination that now controlle twenty-eight legions had yet to overcome the two armi of Decimus Brutus and Plancus, numbering only fifte legions between them. The break soon came when Pla cus — more than ever willing to abandon Decimus sin he had passed under the ban of the *lex Pedia* — resolv to follow the example of Pollio — three of his legio passing to Antony and two to Lepidus. Thus deserted l Plancus, in the midst of what has been well described a kind of Caesarian mania, Decimus, while attempting an overland march with his army to reach Macedoni

Fate of Decimus Brutus.

[87] Plut., *Brut.*, 27; Dio, xlvi, 48–49.
[88] App., iii, 97. Cf. Ferrero, vol. iii, pp. 172 *sqq.*

was captured in the Alps by a barbarian chief who executed him under orders from Antony, unmoved by the fact that he had saved his life during the conspiracy.[89]

With the entire Caesarian army of the West in possession of Italy and the European provinces, nothing remained but the reconciliation of Antony and Octavian, a consummation made urgently necessary by the fact that Brutus and Cassius were still in possession of the richest part of the Empire, the East, with nineteen legions behind them. Thus drawn towards each other by common interests and common dangers, the rival leaders of the Caesarians seem to have agreed before they met to reestablish the regent's dictatorship, with the full powers he had enjoyed during the last years of his life, in such a way as to include the go-between, Lepidus, called by Decimus "that shiftiest of men,"[90] in the *triumviri reipublicae constituendae.*

Reconciliation of Antony and Octavian.

The *triumviri reipublicae constituendae.*

In order to work out the details of the general plan thus outlined, the three met toward the end of October on a little island near Bologna, formed by the confluence of the Reno and Lavino, where, with the two armies facing each other on opposite sides of the river, they engaged, with mutual distrust, in a conference which lasted two or three days.[91] We know only that the outcome was the Second Triumvirate; not a group of dictators, but "a commission of three for settling the government," which was to continue for five years from the end of the current year.[92] Within that time they were to possess criminal jurisdiction without right of appeal or form of trial, the

Scope of their powers.

[89] Dio, xlvi, 53; App., ii, 97–98.
[90] *Ad Fam.*, xi, 9.
[91] App., iv, 2; Plut., *Cic.*, 44; Dio, xlvi, 55.
[92] Fasti Colotiani in *C. I. L.*, p. 466.

right to make laws, and by virtue of the sovereign power of consuls over the whole state, they were to have the right to appoint senators and officials in Rome and in the towns, and governors of provinces, to impose taxes, order levies, and to strike coins with their images and superscriptions.[93]

Dreadful expedient for payment of the army.

But over and above all such details stood the overshadowing necessity for providing money with which to settle the vast obligations, assumed in the midst of the struggles, to the forty-three legions, about two hundred thousand men, by whose physical force existing conditions had been brought about. The problem of problems was how to raise, with an empty treasury, with a people unwilling to be taxed, and with the rich provinces of the East in the hands of the enemy, a sum exceeding eight hundred millions of sesterces,[94] equivalent to about $40,000,000. But one expedient seemed possible, and that was a massacre of the rich and a confiscation of their property through a proscription, in which the list is said to have included two thousand of the richest knights, and a hundred senators, to which were added a few specially energetic and able political opponents.[95]

A heated controversy seems to have arisen over the selection of twelve or seventeen victims[96] who were to be put to death at once without the hope of pardon. There is every reason to believe that as a solution Antony gave up his mother's brother, Lucius Caesar; Lepidus, his own brother, Aemilius Paullus, and Octavian, Cicero, whom he called "father."

[93] Mommsen, *Röm. St.*, vol. iv, pp. 449 *sqq.*; Herzog, *Geschichte und System der römischen Staatsverfassung*, 1891, vol. ii, p. 96; Ferrero, vol. iii, p. 181.

[94] App., iv, 31.

[95] *Ibid.*, 5; Plut., *Ant.*, 20; Livy, *Per.*, 120; Plut., *Cic.*, 46.

[96] App., iv, 6.

THE YOUNG AUGUSTUS. The Vatican.

Less than six months intervened between that glorious pril 21 when the people, after the arrival of bulletins nnouncing victory in the first battle of Mutina, escorted icero in triumph to the Capitol and back again, and the ay on which the Caesarian triumvirate condemned him heard to a traitor's death. During the interval he led ith all the heroism of despair a forlorn hope beset by nditions that made success impossible. The nature of ose conditions revealed themselves in the moment of ctory that followed the second battle of Mutina when ctavian failed to join Decimus in the pursuit and destruc- on of Antony. In a letter written on May 5 to Cicero, ecimus said:

Octavian's sacrifice of Cicero. Why he failed to join Decimus in pursuing Antony.

> But if Caesar had listened to me and crossed the Apennines, I uld have hemmed in Antony so completely that he would have rished for lack of supplies; but I cannot command Caesar, and aesar cannot command his troops. These are both very ugly cts.[97]

Two weeks later we have the explanation of the diffi- lty, the real beginning of the end, in another letter from ecimus, from which it appears that the Fourth and the Martian legions had refused to serve under his orders[98] the veterans were no longer willing to follow the stand- d of the regicide who had aided in cutting down the chief ey adored. As that Caesarian fanaticism grew, the gions, believing that their interests would best be pro- oted by a military monarchy, drew together in a coali- on whose primary purpose was a campaign of revenge gainst those who had so cruelly arrested its growth. It as that sentiment that clothed Octavian with power and portance. In a letter to Marcus Brutus, Cicero pays

Legions advocates of a military monarchy.

[97] *Ad Fam.*, xi, 10.
[98] *Ibid.*, xi, 19. The Fourth and the Martian had joined Octavian.

high tribute to his great personal power (he is *potentissimus*), lamenting at the same time that—

> . . . . certain persons by most unprincipled letters and misleading agents and messages induced Caesar, up to that time wholly governed by my advice, and personally possessed of brilliant ability and admirable firmness of character, to entertain a very confident hope of the consulship.[99]

When Octavian deserted Cicero.

Plutarch was, no doubt, correct in assuming that Octavian turned his back on Cicero the moment he refused to support him for the consulship. According to Suetonius (August 12), he abandoned without hesitation the senatorial government the moment it refused to bestow that office upon him. It was then that the leader of a deputation of centurions who had been sent to present his claim, struck his hand upon his sword hilt and said, "If you will not give it, this shall give it," and it did. After Octavian's desertion the only hope that remained to Cicero as the head of the dying Republic was centered in the return from the East of Brutus and Cassius. When in June he felt that Caesar's heir was slipping away from him, he wrote to the former:

Last appeal to Brutus and Cassius.

> If the counsels of the disloyal have greater weight than mine, or if the weakness of his time of life proves unequal to the strain of the business, our whole hope is in you. Wherefore fly hither, I beseech you, and put the last touch to the freedom of a state, which you liberated by courage and high spirit rather than by any fortunate coincidence. Men of all kinds will crowd around you. Write and urge Cassius to do the same. Hope of liberty is nowhere to be found except in the headquarters of your two camps.[100]

In the very last letter of Cicero which is preserved to us, written to Cassius early in July, he said:

[99] *Epist. ad Brut.*, i, 10.

[100] *Ibid.*, i, 10.

Assure yourself, therefore, that everything depends on you and Marcus Brutus, and that you are both anxiously expected, Brutus momentarily.[101]

But as they never returned, the last spark of life was crushed out of the Republic by the Caesarian legions of the West.

Thus deserted by all, the sole surviving defender of the ancient constitution was calm and steadfast when the time came for him to seal his devotion with his blood. Two means of escape were open to him — nothing barred the path either to suicide or exile. The epidemic of self-murder that followed the performance of Cato, noble as it was regarded by many, did not infect the spirit of one who had a clearer vision of immortality and of a life beyond the grave than any other among the ancients who lived and died prior to the Christian dispensation. He rose above the popular temptation; he was too lofty for self-destruction.

Cicero declined both suicide and exile.

Cicero may have made many a grave political error, but none the less, his historical importance can compare with that of Caesar, and is but little inferior to that of St. Paul or St. Augustine. . . . Of all the men who governed the Roman world in that day, Cicero, alone amid the frightful political debasement of his time, had not wholly lost that sense of good and evil which may not raise a man above petty weaknesses, but at any rate withholds him from criminal excesses and extravagance. He alone attempted to govern the world, not with the foolish obstinacy of Cato, or with the cynical opportunism of others, but upon a rational system based upon loyalty to republican tradition amid the prevailing disorder.[102]

His historical importance.

With his duty done and his usefulness ended, he certainly had the right to go into exile, and for a time he

[101] Plut., *Cic.*, 45–46.

[102] Ferrero, vol. iii, pp. 189–90.

contemplated such a course. When he heard of the pr scriptions he was at his Tusculan villa with his broth Quintus. After resolving to join Brutus they proceede in litters to Astura where they hoped to embark for Mac donia. In order to procure funds for the journey Quint returned to Rome where he met his son who had been le behind. There it was that the sleuths of Antony disco ered their hiding-place, and murdered both after subje ing the younger Quintus to frightful tortures.

Quintus and his son murdered at Rome.

Thus bereft, Cicero embarked alone at Astura, saili as far as the promontory of Circeii *(Capo Circello* where, in a fit of irresolution, he insisted on being p ashore. On the morrow, yielding to the entreaties of h devoted slaves, he set sail again only to discover a rou sea and contrary winds. Sick and sad as he was when reached Caieta, near his own Formian villa, he resolved go no farther.[103] Pressed to continue his voyage, "Let die," he said, "in my country I have saved so often." T story goes[104] that ravens settled on tackle and yardar as the vessel was being rowed to the land; and that af he retired to his villa for rest the ravens flew in and cav and cawed. One, alighting on his couch, tried to draw t cloak from his face. Startled by such an omen, his slav eager to get him away from the place, partly by constrai partly by entreaty, placed him in a litter and mov towards the coast. Then it was that the slayers who ca upon their heels, after a vain search of the empty hou were told by a freedman of Quintus, whom Cicero h befriended, how to follow the densely wooded path which he was being carried to the sea. When overtak he ordered his attendants to set down the litter, fort

"Let me die in my country I have saved so often."

[103] His return is attributed by Appian (*B. C.*, iv) to seasickness— *ἔφερεν ἄηδίαν τοῦ κλύδωνος.*

[104] App., iv, 19, 20; Plut., *Cic.*, 47, 48.

ng them at the same time to defend him. According to utarch:

Plutarch's description of the end.

With his chin resting on his left hand, as was his wont, he kept zing steadfastly on the slayers, his beard and hair untrimmed l his face so worn and furrowed from cares that most of those o looked on covered their faces, and would not witness the deed re performed by Herennius.[105]

Thus he calmly received the stroke. It was the death Socrates all save the hemlock. Like a Titan, he had

FORMIAE, WHERE CICERO WAS MURDERED

ggled to save the Republic and, like a protomartyr,

Childish rage of Antony and Fulvia.

When Antony ordered the barbarian chief who had jured Decimus to bring him his head he took away the of one who had saved his own during the conspiracy; when he took from the military tribune Pompilius as the head of Cicero, and the hands he had used in

[105] It was December 7, according to Tiro, just twenty-four days before completion of Cicero's sixty-fourth year.

the composition of his speeches,[106] ordering both to
nailed to the Rostra, where they could molder in mocke
of his eloquence, he was simply executing Roman ve
geance on one of the bitterest and most implacable en
mies by whom any man was ever opposed. Even when
revolt at the unwomanly brutality of Fulvia, who took t
head upon her lap, addressing to it words of bitter ins
as if it were alive, dragging out the tongue with femini
rage and piercing it with her bodkin, we should not forg
that in those terrible Philippics her family history h
been held up to merciless ridicule, and her humble bir
pitilessly exposed to the contempt of patrician Rom
society. Possibly the highest tributes ever paid to t
withering blasts of the Philippics were embodied in t
childish and inhuman indignities offered by Antony a
Fulvia to Cicero's head and hands after death had turn
them into dust.

When, in the same spirit of fairness, we contempla
the act of Octavian who handed over to the assassins o
whom he had called "father," we should not forget th
with the heir of Caesar Cicero never had the slight
sympathy. He was simply a means to an end, a piece
the chess board to be played against the hated Anton
Once he cried out: "I would rather die than be saved
such a one." There can be no doubt that the youth w
mastered and overcome by the magnetic genius of t
great orator. Plutarch tells us that Octavian held out f
two days in his efforts to save the life of Cicero; a
he adds:

Cicero's lack of sympathy with Octavian.

It happened many years after that Augustus once found o
of his grandsons with a work of Cicero's in his hands. The b
was frightened and hid the book under his gown; but Caesar to

[106] Giving for them 250,000 sesterces ($11,000).

His tribute to Cicero.

from him, and standing there motionless he read through a at part of the book; then he gave it back to the boy, and said: his was a great orator, my child; a great orator, and a man o loved his country well." [107]

Bestowed great honors on his son.

This story gains credence from the fact that after the nclusion of peace Cicero's son Marcus returned to me where great honors were bestowed upon him by gustus possibly as a retribution for the part he had ken in his father's death. Writing to Marcus Brutus on ly 11, 43 B.C., Cicero, in expressing the wish that his n, then twenty-two, should remain with him and not urn to Rome to begin his public career with sacerdotal nors, said:

> Upon your writing to me as to my son's leaving you, I immetely hurried my letter carriers off with a letter to my son telling n that if he came to Italy, he should return to you: for nothing ld be more gratifying to me and nothing more honorable to n. However, I had several times written to tell him that the ction to the sacred colleges had by great exertions on my part n put off to another year.[108]

Marcus fought with Brutus at Philippi.

Marcus did remain with Brutus, fighting at Philippi, d afterwards joining the standard of Sextus Pompey, o had established a despotic sea power upon the three nds where his rule was absolute, thus posing for a time the last champion of the Republic and its liberties. d yet, despite such obstinate loyalty upon the part of cero's son to the fallen cause, he became, through the luence of Augustus, a commissioner of the Mint, and mber of the College of Augurs, and finally consul with gustus as his colleague. As such, public letters were dressed to him by Augustus announcing his victory at tium and the conquest of Egypt. Nothing more point-

Consul with Augustus as his colleague.

[107] Plut., *Cic.*, 49. [108] *Epist. ad Brut.*, i, 14.

edly illustrates the irony of fate than the fact that as co
sul, Cicero the younger was charged with the execution
the decree directing the destruction of all statues a
monuments of Antony, so that his very name might per
from the face of the earth. Not until after he had be
proconsul for Asia Minor, or, according to Appian,
Syria, did Cicero's only surviving heir pass away leavi
no issue behind him.[109]

Long life of Terentia.

But long after the passing of Marcus, his moth
Terentia, survived, dying, according to one account, in h
hundred and fourth year.[110] When we listen to t
malevolent gossip of Plutarch[111] about her, we should
careful to remember that the strongest plea he can ma
in favor of Cicero's divorce from the mother of his ch
dren, with whom he lived for more than thirty years, a
to whom he addressed many of the tenderest letters ev

The flimsy case against her.

penned, is that he was "neglected by her during the w
[the Dyrrachium-Pharsalus campaign] when he w
left in dire want." That is to say, that when he was
Pompey's camp, far away from Italy, his absent wi
whose separate estate he had always enjoyed, did n
properly supply his wants. He therefore refused to p
mit her to join him at Brundusium on his return, saying
a very curt letter: "I do not see what you could avail,
you came."[112] That was the end. It is true that in
letter to Plancius, Cicero, in speaking of the disorder
state in which he then found his domestic affairs, said th

Cicero's misty statement.

as "there was nothing safe nor free from treachery with
my own walls, I thought I ought to be protected by t

[109] Cf. Forsyth, vol. ii, pp. 318 *sq.*

[110] According to Dio she was thrice married after her divorce fr
Cicero.

[111] Plut., *Cic.*, 41.

[112] *Ad Fam.*, xiv, 12.

delity of new connections against the perfidy of the ld." [113] We have there a clear indication that there was omething entirely apart from the prosy details of busi- ess affairs, which a chivalrous nature was unwilling to xpress and yet could not entirely conceal from a friend. f no such hidden cause really existed, then the great mor- list can only be defended as he has been by Cardinal Newman who says:

> In reviewing this proceeding, we must not adopt the modern andard of propriety, forgetful of a condition of society which econciled actions, even of moral turpitude, with a reputation for onor and virtue.[114]

The Roman wife at a great disadvantage.

At that time the Roman wife stood at a great disadvan- age by reason of the facility with which the husband ould divorce her.

> For the very reason that matrimony was for the nobility a olitical act, the Romans were never willing to allow that it ould be indissoluble; indeed, even when the woman was in no ense culpable, they reserved to the man the right of undoing it t any time he wished, solely because that particular marriage did ot suit his political interests. And the marriage could be dis- olved by the most expeditious means, without formality — by a ere letter![115]

Return of the dower.

The only consolation Roman law really extended to the bandoned wife was embodied in the provision compelling he divorcing husband to return the dower, a compliance ith which provision reduced Cicero, after his divorce rom Terentia, to the gravest straits.

[113] *Ad Fam.*, iv, 14.
[114] "Personal and Literary Character of Cicero," *Historical Sketches*, ol. i, p. 255.
[115] Ferrero, *The Women of the Caesars*, pp. 33–34.

CHAPTER XI

TREATISES ON RHETORIC

A fruit-bearing tree and thought-bearing man contrasted.

In studying the life of a thought-bearing man w should learn from the arborist who, in studying the life a fruit-bearing tree, is careful to note everything, inclu ing the entire environment of earth and air, which mar the initial period that precedes the breaking of the fir buds through the bark. Then, as season follows seaso he inquires critically into the quantity and quality of th fruit produced down to the time when exhausted natu falters and falls back into a state of decay.

When the life of Cicero as a thought-bearing man studied by that method, we cannot fail to be impresse by the fact that it ended before it was possible for to falter or fall back into a state of decay. From abo his twentieth to his sixty-fourth year his mind persisted producing, at fairly regular intervals, immortal fruits th have been to the world like golden apples from the garde of the Hesperides.[1] His intellectual output was nev more brilliant or more bountiful than during the two yea immediately preceding his death. When his life was su

Cicero fell like an oak with its leaves fresh and green upon it.

denly cut off in the forest near Formiae, he went dow like a sturdy oak felled by the axmen with all its leav fresh and green upon it. There had been no decay; th stem was severed from the root before disintegratio

[1] "Praeclara facies, magnae divitiae, ad hoc vis corporis, alia hujusc modi omnia, brevi dilabuntur; at ingenii egregia facinora, sicuti anim immortalia sunt."—Sallust, *Jug.*, 2. "Personal beauty, great riches, streng of body, and all other things of this kind, pass away in a short time; b the noble productions of the mind, like the soul itself, are immortal."

uld set in; and so both the tree and its fruits have been eserved for all time.

By the aid of the preceding sketch of Cicero's career as vocate and statesman it will be easier to explain how ch one of his productions was the natural, perhaps evitable, outcome of the particular period of his life which it belongs. In that way it will appear how unpre-editated his career as an author really was. As he ew, his thoughts grew with his experience; and in the agments of time he was able to steal from the exacting ties incident to a busy and eventful life, he embodied em in the letters, speeches, essays, and books that have me down to us.

Each production the natural outcome of a particular period.

As we shall soon see, his first effort at authorship, made twenty, was in the form of a treatise on rhetoric, com-sed at a time when the laws were silent and the courts sed in the midst of the confusion which the Social War d brought about. As the ambitious young advocate uld not practice the art with his voice in the courts, he ncluded to express himself with his pen in a book. om that time until a few months preceding his death he s producing a series of treatises on rhetoric which can ly be fairly judged when considered together as a single ogressive development. Out of his experience as a tesman grew his works on the science of politics, *i. e.*, government and law, which will be next considered as connected whole.

Conditions that prompted his first treatise on rhetoric.

His works on government and law.

Finally, as he ascended towards the zenith of his wers, his ripest thoughts were recorded in the more ture works on philosophy and theology which admit us o the penetralia of his mind and soul. As sidelights to at long procession of mental creations we have the price-s letters, which begin in his thirty-ninth year, 68 B.C.,

On philosophy and theology.

when he was already a man of established reputation, ar end with the touching appeal addressed to Cassius, in th

The correspondence.

last letter preserved to us, written very early in Jul 43 B.C. In this and the three succeeding chapters a effort will be made to outline briefly the works of Cice in the order named. When that outline is filled in b a reading of the choicest extracts taken from all of h more important works, as they appear in the Anthologi the general reader should have a fairly clear cor prehension of Cicero's mental output considered as whole.

Young Marcus a recruit at the age of seventeen.

In the account heretofore given of the Social or Italia War we have had a glimpse of young Marcus Cicero as recruit at the age of seventeen, attached in some capaci to the *pretorium* and the person of the consul Strabo, wi whose son Cnaeus Pompey, very near his own age, he w then for the first time brought into contact.[2] Referen was then made to the horrors of a civil war in which th only chance for success was in the possession of a superi army, and in which defeat was followed by the annihil tion of the routed faction. The Commonwealth itse seemed to be in a state of disintegration; the thirst fo vengeance knew no bounds, and nearly all the gre orators that remained fell victims to the fury of cla hatred.

While the outward forms of the old republican const tution still survived, there was no real government by th people at the time Cinna pretended to be their leader, by the Senate, only a fraction of which then remained the capital. In the midst of such scenes that body had, b

Courts closed by a special decree.

a special decree, closed the ordinary courts, thus cuttin off all opportunity for listening to forensic procedur

[2] See above, p. 84.

he rising light of the bar, Hortensius, was away with
e army, and so was Sulpicius Rufus, the most distin-
uished of those in middle life, and Antonius, the most
mous orator among the older men. The only court
importance still open was the Commission of High-
reason to whose bar some of the noblest men in Rome
ere brought on the charge of having "incited the allies
revolt." Of one of its victims, the orator Caius Cotta,
icero writes: "His exile just at the time I was most
xious to hear him was the first unfortunate incident in
y career."[3] At such a moment when all hope of a
rensic career seemed to have vanished, Cicero resolved
compensate himself for the loss of opportunity for
actical oratory by composing a book in Latin upon the
eneral theory of rhetoric — rhetoric being then consid-
ed, of course, as a branch of philosophy; and, according
Cicero, philosophy is "the fountain head of all per-
ct eloquence, the mother of all good deeds and good
orks."[4] If certain passages of the *De Oratore*,[5] put
to the mouth of the orator Crassus, may be taken as
tobiographical of Cicero himself, we have the following
scription of his method of preparation as a stylist in
tin prose. He says:

Exception, Commission of High-Treason.

A book on the general theory of rhetoric.

Preparation as a stylist in Latin prose.

In daily notes with my pen [*commentationibus*] as a young
rson I was wont to set before me that training particularly.
. . Having taken some lines from a poet, lines preëminent for
ighty meaning, or having read some speech to a point of extent
ich I could comprehend in memory, I reproduced the very
bject-matter which I had read [but] with different words, and
choice words as I possibly could. But afterwards I observed
t this procedure had *this* fault, that those words which were
st specifically suitable, had been appropriated already by Ennius,

[3] *Brut.*, 89.
[4] *Ibid.*, 93.
[5] For example, i, 34. Cf. Sihler, pp. 32–33.

if it was his poetry that I was practicing on, or by Gracchus, I perhaps had set a speech of his before me, that consequent if I used the same words, I gained no advantage, and if others, was even a hindrance towards advancement, since I formed th habit of using less appropriate words.

Afterwards I determined, and I followed this practice in m youth, to translate the speeches of the greatest Greek orator After their perusal I gained this result, that when I reproduced i Latin what I had read in Greek, I used not only the best an still current words, but even latinized certain words by imitatin them, which were new to the Latin world, provided they wer only suitable.[6]

The fact here emphasized that Ennius and Caius Grac chus held the first places among the Latin classics studie by the young advocates as models of style, naturally sug

Poverty of Roman letters prior to Cicero's time.

gests the poverty of Roman letters at that time. After review of the initial period of Roman literature, begin ning about 240 B.C. and ending in the early manhood o Cicero, it is impossible not to understand that, prior to th appearance of his works, no serious attempts had bee made by the Romans, deficient in philosophical acuteness to apply the Latin tongue to philosophical subjects, th natural stubbornness of the language conspiring to pre vent such an application.

Ennius.

Ennius (239–169 B. C.) had done something, it is tru to give a new impetus to the native genius and a ne direction to Roman letters as a medium of conciliatio between Greek and Roman thought, endowed as he wa with "a poetical imagination and animated with enthu sism for a great ideal." Contemporary with him wa

M. Porcius Cato.

M. Porcius Cato (234–149 B.C.), who, setting himself antagonism to the literature of imagination created b Ennius placed prose literature on the main lines it afte

[6] *De Orat.*, i, 34.

vard followed by making it ancillary to politics[7] and to bjects of practical utility.

As the head of an historical school, Cato, the author of he *Origines,* stands first among those who, imbued with he thoroughly Roman conception of history as a chronicle f actors and events considered as incidents in the pro-ressive life of the state, ignore almost entirely their auses or their general interest as viewed from a socio-gical standpoint. More perfectly than either Naevius r Plautus, Cato represents the pure native element in Roman literature, the primitive character of Latium, the lebeian pugnacity conspicuous as one of the great forces n Roman society.

Cicero's grandfather.

The Roman farmer class to which Cicero's grand-ather, living at the time of his birth, belonged, was full f that kind of pugnacity, always aroused by every kind f innovation, even where the introduction of Greek arning was concerned. The old knight, who hated the reeks, used to say that his countrymen were like yrian slaves, the more Greek they knew the greater ascals they were. There was, however, a better feeling n that subject among the friends of Cicero's father, ho was proud of the acquaintance of Marcus Antonius nd Lucinius Crassus, eminent pleaders at the Roman lar, who were steeped in Greek learning and culture, ne former speaking Greek with great fluency. And yet o fearful of disturbing ancient habits and traditions was rassus, who seems to have taken a kindly interest in ne education of the young Marcus and his brother

Greek learning of Antonius and Crassus.

[7] He was the first to publish his speeches, and in that way gave an impulse to the creation of Roman oratory. Cicero says that one hundred and fifty of these speeches were extant in his day. See the excellent article "Roman Literature" by Professor Sellar of the University of Edinburgh, *Enc. Brit.,* 9th ed., vol. xx.

Quintus, that, when censor in the year 92 B. C. he joine with his colleague in the issuance of a decree, heretc fore quoted, closing the schools of the Latin rhetc ricians.

In the light of such an edict it is not strange that i his later years Cicero, who took up the study of orator and rhetoric before he had completed his fifteenth year should have complained that his rhetorical training wa specially defective on the ethical side, a training whicl should have been made the prelude to his studies in gov ernment and law. And yet he persisted, despite all ob stacles, in perfecting himself in rhetoric with all that th name implied. The acquisition of the power to expres himself perfectly in Latin, both with tongue and pen, wa the object he put above all others at the outset of hi career. He was not dismayed by the fact that, at tha time, the Romans had no manuals of philosophy or an philosophical writings in Latin apart from the poem o Lucretius, and some poor productions by obscur Epicureans. He was not discouraged by the fact tha Latin was not a philosophical language, nor one i which a deep thinker could express himself with clear ness and purity. He purposed to do all in his powe to remove both defects. In the words of a masterfu critic:

Cicero's rhetorical training defective on the ethical side.

Latin not a philosophical language.

Cardinal Newman's tribute.

> Terence and Lucretius had cultivated simplicity; Cott Brutus, and Calvus had attempted strength; but Cicero rathe made a language than a style; yet not so much by the inventio as by the combination of words. Some terms, indeed, his philc sophical subjects obliged him to coin;[8] but his great art lies in th application of existing materials, in converting the very disadvar tages of the language into beauties, in enriching it with circumlc cutions and metaphors, in pruning it of harsh and uncout

[8] *De Fin.*, iii, 1 and 4; Lucull., 6; Plut., *Cic.*, 58.

xpressions, in systematizing the structure of a sentence. This is hat *copia decendi* which gained Cicero the high testimony of Caesar to his inventive powers, and which, we may add, constiutes him the greatest master of composition that the world has ver seen.[9]

The classicists, who are always full of cares, will never e able perhaps to solve all the problems growing out of he publication of a certain Latin manual in four books, omposed at Rome, and addressed to a certain Herenius, covering the entire domain of rhetoric. It seems o be clear that the publication of that work preceded hat of Cicero's *De Inventione Rhetorica,* only two books f which have survived, a torso only of what was originally intended to be a comprehensive treatise *(ars).* It s possible that the publication of the complete manual, *Ad Herennium,* influenced Cicero not to continue and omplete his own work. It seems to be safe to say that oth writers, in the main, latinized a Greek original, and vidently the same one, a prominent feature of both being he theory of *status, i. e.,* "the entire range of positions, ssumed or assumable, in the struggle between the prosecution and defense, the essential thing in the entire doctrine of proving and disproving." [10]

The Latin manual addressed to Herennius.

A Greek original latinized.

While it is impossible to say exactly when Cicero's ork was published, the expressions employed in the *De Oratore:* qoniam quae *pueris aut adolescentulis nobis* x commentariolis nostris inchoata ac rudia exciderunt, ix hac aetate digna et hoc usu quem ex causis, quas dixius, tot tantisque consecuti sumus,[11] evidently point to is early youth — probably to that part of it passed in ne midst of the reign of terror darkened by the acts of

[9] Cardinal Newman, "Cicero," *Historical Sketches,* vol. i, p. 297.
[10] Sihler, p. 35.
[11] *De Orat.,* i, 2.

Cinna and Marius (87–84 B.C.).[12] From his Gree teachers, and from the writings of the Greeks, notabl Aristotle, Socrates, and Theophrastus, Cicero evidentl derived the materials for all his rhetorical works, whic were refined as time went on by his own speculativ researches, and his wide personal experience of th oratorical art.

All of Cicero's compositions on rhetoric drawn from Greek sources.

In his first effort, *De Inventione,* after speaking of th origin and growth of eloquence, its use and abuse, he say it must be considered first, as to its general character an position among the sciences *(genus);* second, as to th function it is expected to perform *(officium)*; third, as t the end it is designed to attain *(finis);* fourth, as to th subject-matter of a discourse *(materia);* fifth, as to th constituent elements of a discourse *(partes rhetoricae)* The subject-matter of a discourse must be classified a cording to the audience, which may be composed of me students of the oratorical art, or of those who compos legislative and political assemblies as judges of the futur or of those who compose the courts of law as judges o the past.

How eloquence must be considered.

Constituent elements of a speech.

The constituent elements of a speech should consis of the invention of arguments *(inventio);* of their a rangement *(dispositio);* of the form of their expressio *(eloquutio);* of clearness of perception and tactful pre entation *(memoria);* of the delivery, including modula tion of the voice and gestures *(pronuntiatio).* Every cas involving a difference of opinion *(controversia)* present a question termed the constitution *(constitutio)* of th

Constitution of the case.

[12] Here I desire, once for all, to acknowledge my great indebtedness, i this and the three following chapters, to the invaluable article on Cice contained in Smith's *Dictionary of Greek and Roman Biography an Mythology,* a source of knowledge whose critical and historical value do not diminish with the flight of time.

ıse. After that has been determined, we must next ttle whether a single question is involved or several, ıd whether the arguments do not depend on some docuent. After the exact point has been determined, the ea in justification, the rejoinder, and the replication ust each be considered in its order.

Final arrangement of the discourse.

Not until such matters have all been settled should the rator proceed to arrange his exordium, or introduction; s statement of his case; his explanation of the manner of andling it; his array of arguments in support of his ositions; his refutation of the arguments of his antagost; his conclusion or peroration. Such was the substance this adaptation from the Greek rhetoricians, which ıd great vogue in the Middle Ages, despite the fact that icero himself spoke too slightingly of it in his later ars as a crude performance.[13] The following are cerinly grave reflections from a young man of say one-ıd-twenty:

How a document should be construed.

A controversy arises with respect to the letter of the document d to its meaning, when one party employs the very words which e set down in the paper, and the other applies all his arguments that which he affirms that the framers of the document intended. t the intention of the framer of the document must be proved, the man who defends himself by reference to that intention, have always the same object in view and the same meaning; l it must also, either by reference to the action or to some result, adapted to the time which the inquiry concerns. . . . .

When a contestant "relies on the letter of the law."

Definition is when a word is set down in a written document, ose exact meaning is inquired into, in this manner: There is a r, "Whoever in a severe tempest desert their ship shall be deved of all their property; the ship and the cargo shall belong those men who remain by the ship." Two men, when they ed on the open sea, and when the ship belonged to one of them the cargo to another, noticed a shipwrecked man swimming

[13] *De Orat.*, i, 2.

and holding out his hands to them. Being moved with pity th directed the ship towards him, and took the man into their vess A little afterwards the storm began to toss them also about ve violently, to such a degree that the owner of the ship, who w also the pilot, got into a little boat, and from that he guided t ship as well as he could by the rope by which the boat was fasten to the ship, and so towed along; but the man to whom the car belonged threw himself on his sword in despair. On this t shipwrecked man took the helm and assisted the ship as far as could. But after the waves went down and the tempest abat the ship arrived in harbor. But the man who had fallen on sword turned out to be but slightly wounded, and easily recover of his wound. And then every one of these three men claimed t ship and cargo for his own. Each one of them relies on the let of the law to support his claim, and a dispute arises as to t meaning of the expressions "to abandon the ship," "to stand the ship," and even what "the ship" itself is.[14]

De Partitione Oratoria, a catechism for the use of Marcus.

A useful companion to the treatise *De Inventione* is be found in *De Partitione Oratoria Dialogus*, genera described as a catechism of rhetoric, according to t method of the Middle Academy, prepared by Cicero the form of questions and answers, for the use of son Marcus, probably about the close of the year 46 B or the beginning of the year 45 B.C., shortly before t death of Tullia and the departure of Marcus for Athe

The whole art arranged under three heads.

The whole of the art of rhetoric is therein arrang under three heads — the first treating of the subject reference to the speaker *(vis oratoris)*; the second, the speech *(oratio)*; the third, of the case *(questio* The precepts with regard to the speaker are then rang under five heads — *inventio, collocatio, eloquutio, act* and *memoria*; while the precepts with regard to the spee itself are also arranged under five heads — *exordiu narratio, confirmatio, reprehensio, peroratio.* The ca

[14] *De Invent.*, ii, 51.

ay be *infinita,* in which neither persons nor times are
fined; or it may be *finita,* in which the persons are
fined, when it is called *causa.* The precepts with regard
the *questio infinita* are then ranged under two heads;
d the precepts with regard to the *questio finita* under
ree heads.

Such *partitiones,* corresponding to the Greek διαιρέσεις, e considered to be the most purely scientific of all icero's rhetorical works, despite the tediousness and scurity of the tract as a whole, which is poor in illus-ations and highly technical in its details. The following estion and answer may be taken as striking illustrations its style:

Partitiones highly scientific.

VI. *Cicero Fil.* I understand you now so far as simple pressions go; now I ask about words in combination. *Cicero t.* There is a certain rhythm which must be observed in such mbination, and a certain order in which words must follow one other. Our ears themselves measure the rhythm; and guard ainst your failing to fill up with the requisite words the sen-nce which has begun, and against your being too exuberant the other hand. But the order in which words follow one other is laid down to prevent an oration being a confused medley genders, numbers, tenses, persons, and cases; for, as in simple rds, that which is not Latin, so in combined expressions, that ich is not well arranged deserves to be blamed. But there are se five lights as it were, which are common to both single words l combined expressions: they must be clear, concise, probable, lligible, agreeable. Clearness is produced by common words, propriate, well arranged, in a well-rounded period; on the er hand, obscurity is caused by either too great length or a too at contraction of the sentence; or by ambiguity; or by any use or alteration of the ordinary sense of words. But brevity roduced by simple words, by speaking only once of each point, aiming at no one object except speaking clearly.[15]

Illustrations of its style.

[15] *De Part. Orat.,* 6.

Quoted by Quintilian.

As this production is often quoted by Quintilian without any expression of doubt as to its genuineness, there is no real reason to question it, despite the fact that Cicero makes no reference to it in any of his other works.

We must now turn back to the period of calm towards the end of 55 B.C., about two years after Cicero's return from exile, when, living in comparative retirement from public life, he published the immortal *De Oratore*, the most brilliant and polished of all his rhetorical works and one of the foremost of all the prose compositions of classical antiquity. In April preceding the publication he writes from Puteoli, where probably the greater part of the *De Oratore* was planned, to Atticus saying:

De Oratore.

A letter to Atticus.

'I am here devouring the library of Faustus.[16] Perhaps you thought I was feasting on the beauties of Puteoli and the Lucrine lake. Well, I have them too. But I declare to heaven that the more I am debarred from the enjoyment of ordinary pleasures owing to the political situation, the more do I find support and refreshment in literature; and I would rather be sitting in that charming seat of yours, under your bust of Aristotle, than in *their* [Pompey and Crassus'] curule chair, and be taking a stroll with you rather than with the great man [Pompey, as the context shows], with whom I see I shall have to walk.[17]

A systematic work on oratory composed at the request of Quintus.

The author put aside all the formal stiffness arising out of the dry technicalities of the schools when he resolved to compose a systematic work on oratory at the request of his brother Quintus, and therefore entitled *De Oratore ad Quintum Fratrem.* The scene is laid in

[16] A son of the dictator Sulla, who is known to have brought back from Athens a famous Aristotelian library.

[17] *Ad Att.*, iv, 10. On November 15 he wrote to Atticus (iv, 13) saying "About my oratorical books, I have been working hard. They have been long in hand and much revised; you can get them copied [that is, by his *librarii*, Atticus again acting as his publisher]."

e last days of the great orator Lucius Crassus, and the nversation turns on the subject of rhetoric, and the ualifications requisite for the perfect orator. The sec- nd person in the dialogue is the famous rival of Crassus, ntonius, while, in the opening scene Cicero's old acher, Scaevola, the augur, takes part for a moment a discussion in which the minor figures are the younger atesmen of the day, such as Catulus and his half-brother . Julius Caesar Strabo. The technical discussions are rtfully enlivened by anecdote and conversation in such captivating way as to remind the reader of a dialogue Plato.

"An air of grandeur and magnificence reigns throughout."

An air of grandeur and magnificence reigns throughout. The aracters of the aged senators are finely conceived, and the whole mpany is invested with an almost religious majesty, from the lusions interspersed to the melancholy destinies for which its mbers were reserved.[18]

We have in this form a mature and finished exposition, ter his long experience as a forensic and tribunitian ator, of Cicero's opinions of his art, as a substitute r the views hastily and imperfectly expressed in his rlier years. The conversations take us to the Tusculan lla of Crassus, at a time (91 B.C.) immediately before e breaking out of the Italian War, when all Rome was rred by the proposal of the tribune M. Livius Drusus permit the senators to sit with the *equites* as judges in iminal trials. That proposal, violently opposed by the nsul Philippus, was supported as earnestly by Crassus, o had the year before filled the office of censor.

Tusculan villa of Crassus, 91 B.C.

In order to collect his thoughts and nerve himself for e impending conflict, Crassus is supposed to have retired his country seat accompanied by his friend and political

[18] Newman, "Cicero," *Historical Sketches*, vol. i, p. 281.

ally, M. Antonius, Quintus Mucius Scaevola the augu Cicero's first law teacher, and the father-in-law c Crassus, and two young men of great promise, C. Aur lius Cotta and P. Sulpicius Rufus, who were eager t distinguish themselves in oratory. After the three sag have exhausted the first day in the discussion of publ affairs, they relax on the second, when the group, stretche at ease in the shade of a spreading plane tree, begin, the solicitation of Cotta and Sulpicius, a conversation o the orator, conducted by the elders, who continue it unt the following afternoon.

At the end of the first dialogue[19] Scaevola retire yielding his place to Catulus and his half-brother, C Julius Caesar Strabo, the former famed for the perfe purity of his diction, the latter for his biting wit. I the course of the debate as to the qualifications of thos who hope to be preëminent in oratory, Crassus, speal ing of course the thought of Cicero, after emphasizin the dignity, the importance, the utility of eloquence, d scribes the varied accomplishments and attainments, pra tical and theoretical, which must constitute the perfe orator.

Varied accomplishments of the perfect orator.

Antonius, evidently of a more practical temper, whil admitting the value of universal knowledge to the orato if attainable, indicates in no uncertain terms his beli that, instead of wasting his time in the vain effort t master all of the liberal arts, the orator might mo profitably employ himself in improving, by self-trainin and experience, his natural talents, his voice, his mann of delivery. Then Antonius and Crassus enter joint upon the technology (τεχνολογία)[20] of the subject, pointi out the principles and rules on which the rhetorical a

Technology of the subject.

[19] *Ad Att.*, iv, 16. [20] *Ibid.*, iv, 16.

epends, only by the observance of which can perfection it be attained.

Here it is that we learn:

All action is of the mind, and the mirror of the mind is the face, s index the eyes.[21]

. . . The mind's eye is more easily impressed by what is seen an by what is heard.[22]

. . . So great is the influence of numbers, that an orator can no ore be eloquent without a crowded audience than a flute-player n play without a flute.[23]

. . . History is the witness of the times, the light of truth, the e of memory, the schoolmistress of life, the herald of antiquity; ceiving from the voice of the orator alone her credentials to mortality.[24]

. . Nothing attracts so much attention, or retains such a hold on men's memories, as the occasion when you have made a mis-ke.[25]

. . Nothing is more rarely found among men than a consum-te orator.[26]

An excursion into the domain of law.

But the most important chapter in *De Oratore* rep-sents an excursion made by Cicero into the domain law. Putting aside the art of rhetoric he gives us a aphic and detailed description of his ideal of a com-ehensive and philosophic treatise upon the entire body Roman law, which he said he hoped would be written her by his own or some other hand. That remarkable apter, to which due attention has never been given here-fore, and which defies abridgment, is as follows:

The knowledge of almost all the things, which are now reduced sciences, was once scattered and dispersed; for instance, in sic, rhythm, pitch, and melody; in geometry, lines, figures, ances, and magnitudes; in astronomy, the revolutions of the vens, the risings, settings, and movements of the stars; in the

[21] *De Orat.*, iii, 59.
[22] Ibid., iii, 41.
[23] Ibid., ii, 83.
[24] Ibid., ii, 9.
[25] Ibid., i, 28.
[26] Ibid., i, 28.

study of literature, the handling of the poets, the knowledge
history, the explanation of words, viz. etymology and gramm
the sounds to be pronounced; finally, in this very art of rheto
of which we are talking, the invention, expression, arrangeme
memorizing, and delivery seem to have been at one time unknov
to all, or at least the knowledge of them seems to have be
entirely unconnected.

Cicero first to define the science of jurisprudence.

*Therefore there was applied from without a science of a diff
ent genus, which the philosophers claim as entirely their own,
science of such a nature as to bind by a system the parts of a su
ject hitherto unconnected or even torn apart.*[27] Therefore let
take the final end of the *jus civile* to be this, the preservation
the dealings and disputes of citizens of an equity based on la
and custom. Then its genera must be reduced to a fixed numb
and one as small as possible. A genus is that which embrac
two or more divisions [*partes*] alike in possessing certain qualit
in common but differing in species. The divisions are subordina
to the genera from which they proceed, and the force possessed
all names of the genera and divisions must be set forth in defi
tions. A definition is a brief but comprehensive statement
those great qualities which are peculiar to the thing we wish
define. To this I should add examples were I not well acquaint
with my hearers. As it is, I shall put into words what I ha

Essence of Cicero's unexecuted plan.

proposed. If I should be permitted to do what I have long be
planning, or if somebody else should undertake the task while
am otherwise engaged, or accomplish it after my death — as so
as some one shall divide the whole *jus civile* into its genera, whi
are very few, next distribute what we may call the numbers
these genera, and then set forth in definitions the proper fo
of each [term employed], you will have a perfected science of t
jus civile, large and full indeed, but neither difficult nor obscu
In the meantime, while the scattered fragments are being co
bined, a person may get a truly scientific knowledge of civil la
[*justa juris civilis scientia*], if he will only cull and gather wh
he can here, there, and everywhere.[28]

[27] "Adhibita est igitur ars quaedam extrinsecus ex alio genere quoda
quod sibi totum philosophi adsumunt, quae rem dissolutam divolsam
conglutinaret et ratione quadam constringeret."

[28] *De Orat.*, i, 42.

Where in the juristic literature of our own time can found a description of what is now known as the ilosophy of law, the science of jurisprudence, more se and lucid than that contained in the italicized por- n of this chapter?[29] It is impossible, however, to dis- ciate this attempt, no doubt the first attempt, to de- ibe a philosophy of law, from the work done by cero's second law teacher, Scaevola, the younger, of ose famous treatise on the *jus civile* a somewhat ex- ded account has been given already.[30]

Work of Scaevola, the younger.

Some reference should here be made to the extended sertation contained in the second book of the *De Ora- e* (chaps. xliv–lxxi) upon the kinds and uses of wit and limitations that should be imposed upon its use.

Kinds and uses of wit.

A jocose manner, too, and strokes of wit, give pleasure to an lience, and are often of great advantage to the speaker; qual- s which, even if everything else can be taught by art, are cer- ly peculiar gifts of nature, and require no aid from instruc- n. In that department you, Caesar, in my opinion, far excel other men; on which account you can better bear me testimony, ier that there is no art in wit, or, if there be any you will best ruct us in it.

ndeed [says Caesar] think that a man who is not destitute of te learning can discourse upon any subject more wittily than n wit itself. . . . . I found, it is true, many laughable and y sayings of the Greeks; for those of Sicily excel in that way, ell as the Rhodians and Byzantines; but, above all, the people Attica. But they who have attempted to deliver rules and ciples on that subject, have shown themselves so extremely ish that nothing else in them has excited laughter but their . This talent, therefore, appears to me incapable of being municated by teaching. As there are two kinds of wit, one ning regularly through a whole speech, the other pointed and

Impossible to make rules on the subject.

[29] See the author's *Science of Jurisprudence*, pp. 37–40.
[30] See above, p. 72.

concise, the ancients denominated the former humor [*cavillatio* the latter jesting.[31]

In attempting to explain the nature of laughter Cice says:

Nature of laughter.

Concerning laughter, there are five things which are subjects consideration: One, "What it is"; another, "Whence it orig nates"; a third, "Whether it becomes the orator to wish to exci laughter"; a fourth, "To what degree"; a fifth, "What are t several kinds of the ridiculous?" As to the first, "What laught itself is," by what means it is excited, where it lies, how it aris and bursts forth so suddenly that we are unable, though we desi to restrain it, and how it affects at once the sides, the face, t veins, the countenance, and eyes, let Democritus consider; for this has nothing to do with my remarks, and if it had to do wi them, I should not be ashamed to say that I am ignorant of th which not even they understand who profess to explain it.[32]

A little later on we are asked to—

. . . . consider briefly the sorts of jests that chiefly excite laught Let this, then, be our first division, that whatever is expres wittily, consists sometimes in a thought, sometimes in the m language, but that men are most delighted with a joke when t laugh is raised by the thought and the language in conjuncti . . . . The old saying of Nero about a thieving servant is hum ous enough, that he was the only one from whom nothing in house was sealed and locked up; a thing which is not only s of a good servant, but in the very same words.

The thought and language in conjunction.

In *Orator* we are told—

. . . . that the orator ought to use ridicule in such a way neither to indulge in it too often, that it may not seem like b foonery; nor in a covertly, obscure manner, that it may not se like the wit of a comedian; nor in a petulant manner, lest it sho seem spiteful; nor should he ridicule calamity, lest that sho seem inhuman; nor crime, lest laughter should usurp the pl which hatred ought to occupy; nor should he employ this weap

[31] *De Orat.*, ii, 54. [32] *Ibid.*, ii, 58.

vhen unsuitable to his own character, or to that of the judges, r to the time; for all such conduct would come under the head f the unbecoming.[33]

When we inquire as to the manner in which he applied is rules in the actual practice of the art of oratory, we ave the words of Plutarch who, in reproducing no oubt the statements of some well-informed earlier uthor, says:

Comments of Plutarch and Quintilian on Cicero's manner.

Cicero's manner of delivery contributed much to his persuasive-ss, and he would ridicule orators that spoke with a loud voice, ying that on account of weakness they had recourse to shouting, st as lame men take to riding horseback. The readiness and arpness of such wit seemed clever and well suited to the courts, lt by giving it too free exercise he hurt the feelings of many and ined the reputation of being malicious.[34]

Quintilian, after declaring that Cicero was too much ven to raising a laugh, in the courts and outside of them, ys:

Whether I am judging rightly or whether I am led astray by to great love of the consummate master of eloquence, there was i him a marvelous vein of wit; for his ordinary conversation ounded in pleasantry, while in disputes and in examining wit-sses he uttered more witticisms than any other orator, and he edits to others the dull jests in the process against Verres, intro-cing them as evidence, so that the more commonplace they are te easier it is to believe that they were not original with him t were really already current.[35]

An indication as to the "proper time, moderation, and forbearance" to be observed in jesting is given in connection with the story of a certain Appius, who said to Gius Sextius, an acquaintance who was blind in one eye: "I will dine with you tonight as I see there is a vacancy for one." Cicero condemned the jest of Appius as scur-

Moderation and forbearance to be observed.

[33] *Ad Brut. Orat.*, 26. [34] Plut., *Cic.*, 9. [35] Quint., *Inst. Orat.*, vi, 3, 3.

rilous because evidently premeditated and calculated to give needless pain, and at the same time commended the apt reply of Sextius, who said instantly: "Wash your hands and come to dinner."[36] Cicero was, however, as brutal as Appius when the crippled Vatinius, evidently expecting a compliment, told him that he was now walking two miles a day. "Of course," the orator replied, "the days are longer."[37]

Typical witticisms attributed to Cicero.

When, through Caesar's favor, Vatinius, at the end of the year 47 B.C., was raised to the consulship for a few days to fill a vacancy, Cicero said that a wonderful thing had happened in the year of Vatinius, because in that consulship there was neither spring, summer, autumn, or winter; and when Vatinius complained that he had received no visit from him, Cicero apologized by saying, "I wished to come in your consulship, but the night overtook me." When Q. Fabius Maximus the consul died on the last day of December, 45 B.C., and Caesar had Caninius Rebilus elected and installed to fill the vacancy during the few remaining hours of the day, Cicero made merry over the event, saying: "We have a watchful consul in Caninius; during his consulship he did not sleep a wink." According to Plutarch, when Munatius, who had escaped conviction through Cicero's advocacy, immediately prosecuted his friend Sabinus, he said in the warmth of his resentment, "Do you suppose you were acquitted for your own merits, Munatius, and that it was not that I so darkened the case that the court could not see your guilt?" And in the same vein, when from the Rostra he had eulogized Marcus Crassus, with much applause, and within a few days afterwards as publicly

[36] *De Orat.*, ii, 60. That is taken as an indication that he was either unclean or dishonest.

[37] Quint., *Inst. Orat.*, vi, 3, 77.

reproached him, Crassus called out to him and said, "Did not you yourself two days ago in this same place commend me?" "Yes," the orator replied, "I exercised my eloquence in declaiming upon a bad subject."

Another time Crassus had said that no one of his family had ever lived beyond sixty years of age, and afterwards denied it, and asked, "What should put it into my head to say so?" "It was to gain the people's favor," answered Cicero, "You knew how glad they would be to hear it." And when Crassus expressed his admiration of the Stoic doctrine, that the good man is always rich, "Do you not mean," said Cicero, "their doctrine that all things belong to the wise?" Crassus being generally accused of covetousness.

After one of Crassus's sons, who was thought so very like a man of the name of Axius as to throw some suspicion on his mother's honor, had made a successful speech in the Senate, Cicero, when asked how he liked it, replied with the Greek words, *Axios Crassou.* To Metellus Nepos, who, in a dispute between them, repeated several times, "Who was your father, Cicero?" he replied, "Your mother has made the answer to such a question in your case more difficult." When Vatinius, who had swellings in his neck, was pleading a cause, Cicero called him the *tumid* orator; and having been told by someone that Vatinius was dead, on hearing presently after that he was alive, "May the rascal perish," said he, "for his news not being true."

When Caesar proposed in the Senate a law for the division of the lands in Campania among the soldiers, many opposed it; and among them Gellius, one of the oldest members of the body, who said it should never pass while he lived. "Let us then postpone it," said Cicero; "Gellius

does not ask us to wait long." When a man by the nam of Octavius, suspected to be of African descent, com plained, while Cicero was pleading, that he could n hear him, the orator retorted: "Yet there are holes i your ears." To a young man who was suspected c having given a poisoned cake to his father, and wh talked largely of the invectives he meant to delive against Cicero, "Better these," he replied, "than you cakes."

Lucius Cotta, an intemperate lover of wine, was censo when Cicero stood for the consulship. Becoming thirst at the election, his friends stood around him while h was drinking. "You have reason to be afraid," the can didate said, "lest the censor should be angry with me fo drinking water." Meeting one day Voconius with h three very ugly daughters, he quoted the verse, "H reared a race without Apollo's leave." When Gelliu who was said to be the son of a slave, had read se eral letters to the Senate in a very shrill and lou voice, "Wonder not," said Cicero, "he comes of th criers."

When Faustus Sulla, the son of the dictator who ha by his public bills proscribed and condemned so many t death, had so far wasted his estate as to be forced t publish his bills of sale, Cicero told him that he liked h bills much better than those of his father.

When Metellus Nepos told him that he had ruine more as a witness than he had saved as an advocate, ' admit," said Cicero, "that I have more truth than el quence." Publius Sextius, after having retained Cice among others as his advocate in a certain cause, was st desirous to say all for himself, and would not allo anybody to speak for him. When he was about t

eceive his acquittal from the judges, and the ballots vere passing, Cicero called out to him, "Make haste, extius, and use your time; tomorrow you will be obody."

On a certain occasion he cited as a witness Publius otta, who affected to be thought a lawyer though igno-ant and unlearned. After he had said, "I know nothing f the matter," Cicero answered, "You think, perhaps, we re asking you about a point of law." It was well known hat Hortensius, who defended Verres, had received a amous ivory sphinx as a part of his reward. So after the rosecutor in some part of his speech, by a dark hint, had ndirectly reflected upon him in such a way as to prompt Hortensius to say that he was not skilful in solving rid-les, "No," said Cicero, "and yet you have the Sphinx in our house."

While Quintus Cicero, very small in stature, was in the rovince of Asia, of which he was governor, a half-ngth portrait was painted representing him as of heroic ze. When Cicero saw it, he exclaimed, "The half of y brother is greater than the whole." One day when e was dining out, his host, Damasippus, had some in-rior wine brought in, saying at the same time, "Drink is Falernian, it's forty years old." As he sipped it, icero remarked, "It bears its age well." A native of aodicea who had come to Caesar, then at the height of s power, as an envoy on behalf of the liberty of his ate, met Cicero, who said, "If you happen to find it, t as envoy for us also." When he was requested to aid friend to secure a seat in the council of a municipal wn, having in mind the strange elements introduced Caesar into the Senate at Rome, he replied, "The an shall have what you ask at Rome, if you like, but

it is a difficult matter to secure such a privilege Pompeii." [38]

Nearly ten years divide the conversations under t plane tree at Tusculum from the dialogues of Attic Brutus, and Cicero himself, on a grass plot, in front a colonnade, attached to the house of the latter at Ror with a statue of Plato nearby, generally entitled *Bru de Claris Oratoribus*. Great changes had taken place the meantime. Caesar, already master of the state, v campaigning in Africa against the king of Numidia a the remnants of the oligarchy, when, in 46 B.C., Cic published, as a dialogue in the style of Aristotle, the h tory of eloquence, containing graphic sketches of all famous speakers of Greece and Rome down to his o time. As the living were excluded, the line ends with great Hortensius, whom Cicero had heard with admi tion as a youth and rivaled as a man. At the outset says:

Brutus de Claris Oratoribus.

Sketches of all the famous orators of Greece and Rome.

If Hortensius were now living, he would probably regret m other advantages common with his worthy fellow-citizens. H when he beheld the Forum, the great theatre in which he v accustomed to exercise his genius, no longer accessible to t finished eloquence which could charm the ears of a Roman Grecian audience, he must have felt a pang of which none, o least but few, besides himself could be susceptible. Even I indu heartfelt anguish when I behold my country no longer suppor by the talents, the wisdom, and the authority of law — the o weapons which I have learned to wield, and which are most s able to the character of an illustrious citizen, and of a virtu and well-regulated state. But if there ever was a time when authority and eloquence of an honest individual could h

Country no longer supported by the talents, wisdom, and authority of law.

[38] The statement has been made heretofore (see above, p. 18) that or more of the witticisms attributed to Cicero, but not found in his wo have been preserved by Plutarch, Quintilian, and Macrobius and co niently assembled in the *Fragmenta* in the editions of Cicero's work Baiter and Kayser (vol. xi) and C. F. W. Mueller (Pt. iv, vol. iii).

wrested their arms from the hands of his distracted fellow citizens, it was then when the proposal of a compromise of our mutual differences was rejected, by the hasty imprudence of some and the timorous mistrust of others.

Thus it happened, among other misfortunes of a more deplorable nature, that when my declining age, after a life spent in the service of the public, should have reposed in the peaceful harbor, not of an indolent and total inactivity, but of a moderate and honorable retirement, and when my eloquence was properly mellowed and had acquired its full maturity — thus it happened, I say, that recourse was then had to those fatal arms, which the persons who had learned the use of them in honorable conquest could no longer employ to any salutary purpose. Those, therefore, appear to me to have enjoyed a fortunate and happy life (of which state they were members, but especially in ours), who, together with their authority and reputation, either for their military or political services, are allowed to enjoy the advantages of philosophy; and the sole remembrance of them, in our present melancholy situation, was a pleasing relief to me, when we lately happened to mention them in the course of conversation.[39]

In describing the condition of things existing when he went to the bar, Cicero says:

Condition of things when Cicero went to the bar.

Hortensius joined the army, and served the first campaign as a volunteer, and the second as a military tribune; Sulpicius was made a lieutenant-general; and Antonius was absent on a similar account. The only trial we had was that upon the Varian law; the rest, as I have just observed, having been intermitted by the war. We had scarcely anybody left at the bar but Lucius Memmius and Quintus Pompeius, who spoke mostly on their own affairs; and, though far from being orators of the first distinction, were yet tolerable ones. . . . . Caius Julius too, who was then a *urule aedile,* was daily employed in making speeches to the people, which were composed with great neatness and accuracy. But while I attended the Forum with this eager curiosity, my first disappointment was the banishment of Cotta; after which I continued to hear the rest with the same assiduity as before; and,

[39] *Brut., 2.*

though I daily spent the remainder of my time in reading, writi and private declamation, I can not say that I much relished confinement to these preparatory exercises.[40]

In commenting on Curio he says:

Ridicule of Curio.

The two remaining parts are, pronunciation and memory each of which he was so miserably defective as to excite the lau ter and ridicule of his hearers. His gesture was really such Caius Julius represented it, in a severe sarcasm, that will ne be forgotten; for as he was swaying and reeling his whole b from side to side, Julius facetiously inquired who it was that speaking from a boat? To the same purpose was the jest Cnaeus Sicinius, a man very vulgar, but exceedingly humor which was the only qualification he had to recommend him as orator. When this man, as a tribune of the people, had s moned Curio and Octavius, who were then consuls, into Forum, and Curio had delivered a tedious harangue, while O vius sat silently by him, wrapt up in flannels and besmeared v ointments, to ease the pain of the gout, "Octavius," said he, ' are infinitely obliged to your colleague; for if he had not tc and flung himself about today, in the manner he did, you w certainly have been devoured by the flies." [41]

And yet, despite a few such sallies, the undertone it all is one of inexpressible sadness. At the close he s:

Lament over the clouded future of Brutus.

But when I look upon *you,* my Brutus, it fills me with ang to reflect that, in the vigor of your youth, and when you making the most rapid progress on the road to fame, your ca was suddenly cut off by the fatal overthrow of the Comr wealth. This unhappy circumstance has stung me to the h and not me only, but my worthy friend here, who has the affection for you and the same esteem for your merit whi have. . . . . For the Forum was your birthright, your n theatre of action; and you were the only person that entere who had not only formed his elocution by a vigorous cours private practice, but enriched his oratory with the furnitur philosophical science, and thus united the highest virtue to

[40] *Brut.,* 89. [41] *Ibid.,* 60.

most consummate eloquence. Your situation, therefore, wounds us with the double anxiety that you are deprived of the Republic and the Republic of you.

But still continue, my Brutus (notwithstanding the career of our genius has been checked by the rude shock of our public distresses), continue to pursue your favorite studies, and endeavor (what you have almost or rather entirely effected already) to distinguish yourself from the promiscuous crowd of pleaders with which I have loaded the little history I have given you. . . . . Have we not seen that a whole age could scarcely furnish two speakers who really excelled in their profession? Among a crowd of contemporaries, Galba, for instance, was the only orator of distinction; for old Cato (we are informed) was obliged to yield to his superior merit, as were likewise his two juniors, Lepidus and Carbo. But, in a public harangue, the style of his successors, the Gracchi was far more easy and lively; and yet, even in their time, Roman eloquence had not reached its perfection.[42]

Galba and Cato.

In speaking of Caius Gracchus as an orator he said:

Caius Gracchus.

He had an amazing genius, and the most ardent application; and was a scholar from his very childhood; for you must not imagine, my Brutus, that we have ever yet had a speaker whose language was richer and more copious than his. "I really think so," answered Brutus; "and he is almost the only author we have, among the ancients, that I take the trouble to read." "And he well deserves it," said I; "for the Roman name and literature were great losers by his untimely fate. I wish he had transferred his affection for his brother to his country. How easily, if he had but prolonged his life, would he have rivaled the glory of his father and grand-father! In eloquence, I scarcely know whether we should yet have had his equal. His language was noble; his sentiments manly and judicious; and his whole manner great and striking. He wanted nothing but the finishing touch: for though his first attempts were as excellent as they were numerous, he did not live to complete them.[43]

Apart from the pen-pictures of the most famous of the Greek models, this discourse, in which the chief inter-

[42] *Brut.*, 97. [43] *Ibid.*, 33.

locutor is almost exclusively heard, bristles with striki observations on the scientific principles of the oratori art, illustrating at the same time the public life and se ices of the actors dealt with. As a valuable contributi to the history of literature, as a concealed epitome the history of Rome, the work is marked by the rare ta and discrimination with which it emphasizes the imp fections of the various forms of composition it revie Its greatest defect consists in the indistinctness of impressions left upon the mind by sketches necessar imperfect by reason of the rapidity with which the wri is compelled to fly from one individual to another in list too long for his space.

A concealed epitome of the history of Rome.

About the beginning of the year 45 B.C., Cicero[44] p duced *Ad Brutum Orator,* the last of the series, beginni with *De Oratore,* on the character of the orator, setti forth the principles and rules of the art, and the qua fications, natural and acquired, necessary for success it, which was followed by *Brutus de Claris Oratorib* remarks on eminent orators, in which the use and app cation of the principles and rules are illustrated throu a critical examination of the merits and defects of tho who have actually practiced the art.

Ad Brutum Orator.

Then, as the capstone of it all, Cicero, at the requ of Brutus, attempted, in *Ad Brutum Orator,* to define t perfect orator who is supposed to be adorned by all t personal qualifications an orator should possess, coupl with a complete knowledge of everything on the scienti side of the subject. The ideal of a faultless public speak in senate or forum thus presented, while not actually e isting, is a possible outcome of a union of the highe

The perfect orator.

[44] He says, "Therefore I began this work so soon as I had finished *Cato."* — *Ad Brut. Orat.,* 10.

ural gifts with the most perfect culture. Upon that ation of his fancy Cicero says he is willing to stake reputation for knowledge and taste in his art.[45] In ining his ideal he says:

Author defines his ideal.

And I, in depicting a consummate orator, will draw a picture of an one as perhaps never existed. For I am not asking who vas, but what that is than which nothing can be more excel-. And perhaps the perfection which I am looking for does often shine forth (indeed I do not know whether it ever has seen) but still in some degree it may at times be discoverable, ng some nations more sparingly. But I lay down this position, there is nothing of any kind so beautiful which has not some-g more beautiful still from which it is copied — as a portrait is a person's face — though it can neither be perceived by the or ears, or by any other of the senses; it is in the mind only by our thoughts, that we embrace it.

Therefore, though we have never seen anything of any kind e beautiful than the statutes of Phidias, and than those pictures ch I have named, still we can imagine something more beau-. Nor did that great artist, when he was making the statue upiter or of Minerva, keep in his mind any particular person hom he was making a likeness; but there dwelt in his mind a ain perfect idea of beauty which he looked upon, and fixed his upon, and guided his art and his hand with reference to the ness of that model.[46]

Referring to the Greek orators he says:

Pen-picture of Demosthenes.

is a marvelous thing how far one is superior to all the rest. yet when Demosthenes flourished there were many illustri-orators, and so there were before his time, and the supply has failed since. So that there is no reason why the hopes of those who have devoted themselves to the study of eloquence, ld be broken, or why their industry should languish. For the very high pitch of excellency ought not to be despaired

"Mihi quidem sic persuadeo, me quidquid habuerim judicii de decendo m librum contulisse." *Ad Fam.*, vi, 18.
Ad Brut. Orat., 2.

of; and in perfect things those things are very good which are next to the most perfect. . . . .[47]

His defense of Ctesiphon.

Therefore this great man whom we call so superior to all the rest, in that oration of his in defense of Ctesiphon, which is by far the finest of all his speeches, begins modestly at first; then when he argues about the laws he becomes more animated; afterwards, proceeding gradually, as he saw the judges become excited, he gave himself more license and spoke with more boldness. And yet even in this very man, so carefully weighing the value of every word, Aeschines finds something to reprove and to attack him for; and, laughing at him, he calls them terrible, odious and intolerable expressions.

Criticisms of Aeschines.

Moreover, he asks him (for Demosthenes had called him a beast) whether those are words or prodigies; so that even Demosthenes himself does not seem to Aeschines to be speaking in the pure Attic style. For it is easy to remark some impetuous expression, and to turn it into ridicule after the excitement of the mind has been allayed. And accordingly Demosthenes defends himself with a jest; and says that the fortunes of Greece do not depend upon whether he used this word or that, or put out his hand in this or that direction. How, then, would a Mysian or a Phrygian have been listened to at Athens, when even Demosthenes is attacked as an incorrect speaker! And if such a man had begun to sing in his trembling and whining voice, as is the custom of Asiatics, who would have endured him? or who would not have ordered him to be taken away?[48]

The real Attic manner.

Those people, then, who adapt themselves to the refined and scrupulous ears of an Athenian audience, are the people who deserve to be considered as speaking in an Attic manner. And though there are many kinds of orators of this sort, still the people among us who affect this style have no suspicion of the existence of more than one. For they think that a man who speaks in a brusque and fierce manner, provided only that he uses elegant and well-turned expressions, is the only Attic speaker.

They are greatly mistaken if they think that the only Attic style, though not mistaken in thinking it one kind of Attic style. For if, as their opinion tends to prove, that is the only Attic style

[47] *Ad Brut. Orat.*, 2. [48] *Ibid.*, 8.

then not even Pericles himself spoke in the Attic manner — a man who is beyond all question in the very highest rank as an orator. But if he had employed only a neat, simple style of oratory, he would never have been said by Aristophanes the poet, to thunder and lighten, and throw all Greece into confusion. Let, then, that most beautiful and polished orator, Lysias, be said to speak in Attic style. For who can deny it?[49]

Pericles and Lysias.

Such were the efforts made in this idealization to combat the popular error that the most perfect type of the true Attic style consisted of terse, subtle, highly polished, and epigrammatic sentences, necessarily dull and cold to the ear of the ordinary listener, because totally devoid of ornament and amplitude of expression in the form of measured periods. In order to combat that illusion in another way, Cicero rendered into Latin the orations of Demosthenes and Aeschines in the case of Ctesiphon as the two most perfect specimens of Grecian eloquence. The translation itself has not survived; only a short preface explaining the purpose of the undertaking is extant, bearing the title *De Optimo Genere Oratorum.* In that composition Cicero says:

Orations of Demosthenes and Aeschines translated by Cicero.

As there is but one kind of eloquence, what we are seeking to ascertain is what kind it is. And it is such as flourished at Athens; and in which the genius of the Attic orators is hardly comprehended by us, though their glory is known to us. For many have perceived this fact, that there is nothing faulty in them: few have discovered the other point; namely, how much in them there is that is praiseworthy. For it is a fault in a sentence if anything is absurd, or foreign to the subject, or stupid or trivial; and it is a fault of language if anything is gross, or abject, or unsuitable, or harsh, or far-fetched. Nearly all those men who are either considered Attic orators or who speak in the Attic manner have avoided these faults.[50]

Extracts from the surviving preface.

But as there was a great error as to the question, what kind of

[49] *Ad Brut. Orat.*, 9. [50] *De Opt.*, 3.

eloquence that was, I have thought that it became me to undertake a labor which should be useful to studious men, though superfluous as far as I myself was concerned. For I have translated the most famous orations of the two most eloquent of the Attic orators, spoken in opposition to one another: Aeschines and Demosthenes. . . . . And this labor of mine will have this effect, that by it our countrymen may understand what to require of those who wish to be accounted Attic speakers, and that they may recall them to, as it were, the acknowledged standards of eloquence.[51]

Cicero's last dissertation on the theory of rhetoric was composed on shipboard while sailing towards Greece during the summer that followed Caesar's death, at that fateful time when the wind and the waves forbade his departure from his native land. He said afterwards in a letter to a friend:

I, despairing of freedom, was on the point of hurrying away to Greece, when the Etesian winds, [trade winds] like loyal citizens, refused to further me in my desertion of the Republic, and a south wind blowing in my teeth carried me back by his strongest blast to your fellow-tribesmen of Rhegium. And so from thence I hurried at full speed — sail and oar together — to my country; and the day after my arrival was the one free man in a nation of slaves.[52]

Topica ad C. Trebatium.

The dissertation then written on shipboard is known as *Topica ad C. Trebatium,* because the famous jurisconsult Trebatius, who found himself unable to comprehend the *Topics* of Aristotle relating to the invention of arguments, had appealed to Cicero for aid in that regard.

A simple abstract of the *Topics* of Aristotle.

The response was an abstract of the original, couched in plain and simple terms, and accompanied by illustrations derived in the main from Roman law instead of Greek philosophy. That abstract, which he promised to supple-

[51] *De Opt.,* 5.

[52] *Ad Fam.,* xii, 25. "The one free man" because he had refused Antony's summons to the Senate on September 1.

ient at some future time by oral explanations, was for-
warded by Cicero to his friend from Rhegium on July 28,
4 B.C.[53] In it, after defining what is called in Greek
στάσις and in Latin *status,* he takes this fling at the dead
aesar:

A fling at the dead Caesar.

And in this kind of argumentation the conjectural refutation kes place. But when there is any discussion about utility, or onor, or equity, and about those things which are contrary to one nother, then come in denials, either of the law or of the name of ie action. And the same is the case in panegyrics. For one may ther deny that that has been done which the person is praised for; else that it ought to bear that name which the praiser has con-rred on it, or else one may altogether deny that it deserves any raise at all, as not having been done rightly or lawfully. And aesar employed these different kinds of denial with exceeding npudence when speaking against my friend Cato.[54]

[53] *Ad Fam.,* vii, 19. In that letter he said: "But if certain parts appear you to be somewhat obscure, you must reflect that no art can be learned ut of books without someone to explain it and without some practical xercise in it."

[54] *Ad Trebat.,* 25.

CHAPTER XII

TREATISES ON GOVERNMENT AND LAW

EARLY in the year 54 B.C., when Caesar was preparing for his second invasion of Britain, Cicero, elated by the brilliant reception of the *De Oratore,* began to work on his comprehensive treatise on the Commonwealth known as *De Republica.* To Atticus, who, as publisher and general adviser, everything was referred, a letter was written in May saying:

De Republica.

> I wish you would write to your town house, ordering your books to be at my service just as if you were at home, especially those of Varro. For I have occasion to use some passages of these books in reference to those [six books of the *Republic*] I have in hand, and which I hope will meet with your strong approval.[1]

In reply to a suggestion that Varro should figure in the new work, a letter to Atticus in June says:

> Varro, of whom you write, shall be put in somewhere, if I can find a place for him. But you know the style of my dialogues: just as in those *On the Orator,* which you praise to the skies, a mention of anyone by the interlocutors was impossible, unless he had been known to or heard of by them, so in the *Dialogue on the Republic,* which I have begun, I have put the discussion in the mouths of Africanus, Philus, Laelius, and Manilius.[2]

Certainly in circulation in the year 51 B.C.

That dialogue in imitation of Plato, whom the author kept constantly in view, was finally arranged in six books which were certainly in general circulation in the year 51 B.C.[3]

[1] *Ad Att.,* iv, 14. [2] *Ibid.,* iv, 16.

[3] The precise date of publication is unknown. It was in an unfinished state in September, 54 B.C.

At the time of the Renaissance nothing could be found of the *De Republica* except "Scipio's Dream," extracted entire from the sixth book by Macrobius, and certain fragments quoted by grammarians and ecclesiastics, especially by St. Augustine and Lactantius. And so matters stood down to 1822, when Monsignor Mai, librarian of the Vatican, found considerable portions of the long-lost treasure in a palimpsest obliterated to make way for St. Augustine's *Commentary on the Psalms*. The portions thus recovered, when added to other fragments, give us perhaps one-third of the whole, the basis upon which all modern estimates have been made of a work whose direct and practical purpose was to arouse Roman citizens to the dangers which then threatened destruction to the liberties of their country. The first book, a splendid epitome of the science of politics as understood at that time, emphasized the truth that the study of philosophy should be made as practical as possible, so applied in fact to political and active life as to satisfy Plato's maxim — "Happy is the nation whose philosophers are kings, and whose kings are philosophers."

Not more than a third of the whole survives.

First book an epitome of the science of politics.

> For our country did not beget and educate us [the author says] with the expectation of receiving no support, as I may call it, from us; nor for the purpose of consulting nothing but our convenience, to supply us with a secure refuge from idleness and a tranquil spot for rest; but rather with a view of turning to her own advantage the nobler position of our genius, heart, and counsel, giving us back for our private service only what she can spare from the public interests.[4]

As a patriotic statesman Cicero never wearied in denouncing the Greek philosophers who, absorbed in transcendental metaphysics and closet speculations, taught that

[4] *De Repub.*, i, 4.

true philosophers should not take part in the actual man agement of public affairs. Then, after defining the mean ing of the word "republic," he proceeds to analyze an compare the three chief forms of government — the mon archic, the aristocratic, and the democratic.

Three chief forms of government analyzed.

When the direction of all depends on one person [he says] w call this individual a king, and this form of political constitutio a kingdom. When it is in the power of privileged delegates, th state is said to be ruled by an aristocracy; and when the people ar all in all, they call it a democracy, or popular constitution.[5]

Scipio thus states his preference:

Scipio's preference for royalty.

Since these are the facts of experience, royalty is, in my opinion very far preferable to the three other kinds of political constitu tions. But it is itself inferior to that which is composed of a equal mixture of the three best forms of government, united an modified by one another. I wish to establish in a commonwealt a royal and preëminent chief. Another position of power shoul be deposited in the hands of the aristocracy and certain thing should be reserved to the judgment and wish of the multitude.[6]

Second book a review of the origin and growth of the Roman constitution.

Such is the prelude to the second book, in which i contained an able and eloquent review of the origin an growth of the Roman constitution. When Sir Jame Macintosh, as one of the pioneers of the historica school, said: "Constitutions are not made, they grow, he was simply reechoing, quite unconsciously no doub the opening lines of chapter 22, book ii, of *De Republica* "Then Laelius said: 'All that you have been relatin simply corroborates the saying of Cato, that the Const tution of the Roman Republic is not the work of any on age, or of any one man.'"

Tribute to the early kings.

In tracing its evolution Cicero begins with the earl kings, upon whom he bestows the warmest praise, empha

[5] *De Repub.*, i, 45. [6] Ibid.

izing the great advantages that had resulted from the primitive monarchical system. Then, after explaining how that system had been gradually swept away, he emphasizes the importance of reviving it by drawing an animated picture of the evils and misfortunes that had befallen the Commonwealth by reason of an excess of democratic folly and violence which had gradually won an alarming preponderance. In the light of his large political experience he concludes by forecasting, in a kind of prophetic vision, the subsequent revolutions that such a state of things must necessarily bring about. After reviewing the reign of the last king of Rome, he indulges in this weighty reflection:

Here begins the revolution in our political system of government and I must beg your attention to its natural course and progression. For the great point of political science, the object of our discourses, is to know the march and the deviations of governments, so that when we are acquainted with the particular courses and inclinations of constitutions we may be able to restrain them from their fatal tendencies, or to oppose obstacles to their decline and fall.[7]

The great point in political science.

In contrasting his history of a real commonwealth with Plato's vision of an ideal one, Cicero says:

An ideal and real commonwealth contrasted.

And he has given us a description of a city, rather to be desired than expected; and he has made out not such a one as can really exist, but one in which the principles of political affairs may be discerned. But for me, if I can in any way accomplish it, while I adopt the same general principles as Plato, I am seeking to reduce them to experience and practice, not in the shadow and picture of a state, but in a real and actual commonwealth, of unrivalled amplitude and power; in order to be able to point out, with the most graphic precision, the causes of every political good and social evil.[8]

[7] *De Repub.*, ii, 25. [8] Ibid., ii, 30.

Here spoke in no uncertain terms a Stoic of the schoo of Panaetius, the reformer who, ignoring dialectic subtle ties, taught a practical system of morals which deal directly with "external duties," required of all men, wis and unwise. The latter part of the second book is de voted to a searching inquiry into the great moral obliga tions that constitute the foundation of all political union

Great moral obligations as the basis of political union.

> I declare to you [said Scipio] that I consider that all I hav spoken respecting the government of the state is worth nothing and that it will be useless to proceed further, unless I can prov that it is a false assertion that political business cannot be con ducted without injustice and corruption; and, on the other hand establish a most indisputable fact that without the strictest justice no government whatever can last long.[9]

From that declaration, closing the second book, we pass to the third, a mere collection of disjointed frag ments, which, as we learn from St. Augustine and Lac tantius, embodied a protracted discussion of the famou paradox of Carneades, that justice is only a vision, o rather a delusion. Taking up the great question of polit ical justice, Cicero undertakes to maintain the absolut verity of the proverb, "Honesty is the best policy," i public as well as private affairs. For a masterly analysi of his disquisition on that subject we are indebted to St Augustine's *City of God,* wherein the following appears

Third book a collection of disjointed fragments.

"Honesty the best policy."

St. Augustine's *City of God.*

In the third book of Cicero's *Commonwealth* the question o Political Justice is most earnestly discussed. Philus is appointe to support, as well as he can, the sophistical arguments of thos who thought that political government cannot be carried on with out the aid of injustice and chicanery. He denies holding an such opinion himself; yet, in order to exhibit the truth mor vividly through the force of contrast, he pleads, with the utmos

[9] *De Repub.*, ii, 44.

ingenuity, the cause of injustice against justice; and endeavors to show by plausible examples and specious dialectics, that injustice is as useful to a statesman as justice would be injurious.

Then Laelius, at the general request, takes up the plea for justice, and maintains with all his eloquence that nothing could be so ruinous to states as injustice and dishonesty, and that without a supreme justice, no political government could expect a long duration. This point being sufficiently proved, Scipio returns to the principal discussion. He reproduces and enforces the short definition that he had given of a commonwealth — that it consisted in the welfare of the entire people, by which word "people" he does not mean the mob, but the community, bound together by the sense of common rights and mutual benefits.

He notices how important such just definitions are in all debates whatever, and draws the conclusion from the preceding arguments — that the commonwealth is the common welfare wherever it is swayed with justice and wisdom, whether it be subordinate to a king, an aristocracy, or a democracy. But if the king be unjust, and so becomes a tyrant; and the aristocracy unjust, which makes them a faction; or the democrats unjust, and so degenerate into revolutionists and destructives — then not only the commonwealth is corrupted, but in fact annihilated; for it can be no longer the common welfare when a tyrant or a faction abuse it; and the people itself no longer the people when it becomes unjust, since it is no longer a community associated by a sense of right and utility according to the definition.[10]

Fourth book a dissertation on duties of citizens.

From the few scattered fragments that remain of the fourth book, some of them of enticing beauty, it is possible to affirm that it was a dissertation upon the duties of citizens in public and private life, involving a treatment of morals and education, and the use and abuse of stage entertainments. And from equally imperfect data we may conclude that the fifth book, after a prologue lamenting the general depravity of morals becoming rapidly more corrupt, was devoted to the duties of magis-

The fifth on the duties of magistrates.

[10] Aug., *Civ. Dei*, 3–21.

trates in the administration of the laws, including a review of Roman legal procedure, beginning with the infancy of the city when the only courts were those held under the paternal jurisdiction of the kings.

Sixth book embodies an appeal based on rewards beyond the grave.

It is in the sixth book that Cicero strengthens his appeal to his countrymen "to rise on stepping-stones of their dead selves to higher things," by the promise that all patriotic and philanthropic statesmen shall be rewarded not only on earth by the approval of their own consciences and the applause of all good citizens, but by immortal glory in a heavenly realm beyond the grave:

> Now, in order to encourage you, my dear Africanus, continued the shade of my ancestor, to defend the state with the greater cheerfulness, be assured that, for all those who have in any way contributed to the preservation and enlargement of their native country, there is a certain place in heaven where they shall enjoy an eternity of happiness. For nothing on earth is more agreeable to God, the Supreme Governor of the universe, than the assemblies and societies of men united together by laws, which we call states. It is from heaven their rulers and preservers came, and thither they return.[11]

"Scipio's Dream" a confession of faith in the immortality of the soul.

Such is the undertone of that part of the sixth book known as "Scipio's Dream," the clearest, the most confident, the most brilliant confession of faith in the immortality of the soul and of a higher existence in a realm above the stars, where "all is eternal," ever uttered in the ancient world prior to the inspired declarations of St. John and St. Paul. When Scipio addressed his father thus:

> Thou best and most venerable of parents, since this, as I am informed by Africanus, is the only substantial life, why do I linger on earth, and not rather wish to come thither where you are?[12]

[11] *De Repub.*, vi, 13.

[12] Ibid., vi, 15.

The reply was:

That is impossible. Unless God, whose temple is all that vast xpanse you behold, shall free you from the fetters of the body, ou can have no admission into this place. Mankind have re-eived their being on this very condition, that they should labor or the preservation of that globe which is situated as you see, n the midst of this temple, and is called earth. . . . . It is your uty, therefore, my Publius, and that of all who have any ven-ration for the gods, to preserve this wonderful union of soul nd body; nor without the express command of him who gave ou a soul should the least thought be entertained of quitting uman life, lest you seem to desert the post assigned to you by God himself. But rather follow the example of your grandfather ere, and of me, your father, in paying a strict regard to justice nd piety; which is due in a great degree to parents and relations, ut most of all to our country.

Canon against self-murder.

Such a life as this is the true way to heaven, and to the com-any of those who, after having lived on earth and escaped from ne body, inhabit the place which you now behold.[13]

The true way to heaven.

And as I continued to observe the earth with great attention, How long, I pray you," said Africanus, "will your mind be xed on that object? Why do you not rather take a view of ne magnificent temples among which you have arrived? The niverse is composed of nine circles, or rather spheres, one of hich is the heavenly one and is exterior to all the rest which it nbraces; being itself the Supreme God, and bounding and con-ining the whole."[14]

Universe composed of nine circles.

When I had recovered myself from the astonishment occa-oned by a wonderful prospect, I thus addressed Africanus: "Pray, hat is this sound that strikes my ears in so loud and agreeable manner?" To which he replied: "It is that which is called *he music of the spheres,* being produced by their motion and impulse; and being formed by unequal intervals, but such as are vided according to justest proportion, it produces, by duly tem-ring acute with grave sounds, various concerts of harmony. . . . By the amazing noise of this sound the ears of mankind ve been in some degree deafened; and indeed hearing is the

"The music of the spheres."

[13] *De Repub.*, vi, 15. [14] Ibid., vi, 17.

dullest of all the human senses. Thus, the people who dwe near the cataracts of the Nile (which are called Catadupa[15]) ar by the excessive roar which that river makes in precipitating itse from those lofty mountains, entirely deprived of the sense hearing. And so inconceivably great is this sound which is pr duced by the rapid motion of the whole universe, that the huma ear is no more capable of receiving it than the eye is able to loo steadfastly and directly on the sun, whose beams easily dazz the strongest sight.[16]

The eternal seat of splendor.

"If, then, you wish to elevate your views to the contemplati of this eternal seat of splendor, you will not be satisfied with t praises of your fellow-mortals, nor with any human rewards th your exploits can obtain; but Virtue herself must point out you the true and only object worthy of your pursuit. Leave others to speak of you as they may, for speak they will. The discourses will be confined to the narrow limits of the countri you see, nor will their duration be very extensive; for they w perish like those who utter them, and will be no more remembere by posterity. . . . . Consider your body only, not yourself, mortal. For it is not your outward form which constitutes yo being, but your mind; not that substance which is palpable the senses, but your spiritual value.[17] That majestic exposition followed by the exclamation:

The immortal mind of man.

"Know, then, that you are a God — for a God it must b which flourishes, and feels, and recollects, and foresees, and go erns, regulates, and moves the body over which it is set, as t Supreme Ruler does the world which is subject to him. For that Eternal Being moves whatever is mortal in this world, the immortal mind of man moves the frail body with which it connected.[18] . . . . Do you, therefore, exercise this mind

"The good of your country."

yours in the best pursuits. And the best pursuits are those whi consist in promoting the good of your country. Such employmer will speed the flight of your mind to this its proper abode; a its flight will be still more rapid, if, even while it is enclosed the body, it will look abroad, and disengage itself as much possible from its bodily dwelling, by the contemplation of thin

[15] From καταδουπέω, as if *Down-roars.*
[16] *De Repub.*, vi, 20.
[17] Ibid., vi, 23.
[18] Ibid., vi, 24

which are external to itself." Thus saying, he vanished, and I awoke from my dream.[19]

It seems to be clear that the *De Republica* was at the outset divided into two books, which were then expanded into nine,[20] and finally reduced to six;[21] and it is fair to infer that the three books thus cut off became the nucleus of the separate treatise, *De Legibus,* intended no doubt as a supplement to the first. In that supplement, probably never completed or published,[22] the historical personages disappear, Atticus, Quintus, and Cicero himself taking their places as interlocutors. As the date of the action of the drama, and the date of composition are nearly identical, both are usually assigned to the middle or end of the year 52 B.C. The scene is laid at the author's birthplace, the family home, situated some three miles from the town of Arpinum, on the banks of the river Fibrenus, an affluent of the Liris. As an introduction to the second book we have the following description:

De Legibus. Scene laid at Arpinum.

Atticus. Do you feel inclined, since we have had walking enough for the present, and since you must now take up a fresh part of the subject for discussion, to vary our situation? if you do, let us pass over to the island which is surrounded by the Fibrenus — for such, I believe, is the name of the other river — and sit down, while we prosecute the remainder of our discourse.

Marcus. I like your proposal, for that is the very spot which I generally select when I want a place for undisturbed meditation, or uninterrupted reading or writing.

Atticus. In truth, now I am come to this delicious retreat, I cannot see too much of it. Would you believe that the pleasure

[19] *De Repub.,* vi, 26.
[20] *Ad Quint. Frat.,* iii, 5.
[21] *De Leg.,* i, 6; ii, 10; *De Div.,* ii, 1.
[22] Everything goes to show that the work known as the *Laws,* never published in Cicero's lifetime, was put forth by his literary executor, Tiro, after his death.

I find here makes me almost despise the magnificent villas, marb pavements, and sculptured palaces? Who would not smile the artificial canals which our great folks call their Niles a Euripi, after he had seen these beautiful streams? Therefo

Conversation on justice and law.

as you just now, in our conversation on justice and law, referr all things to nature, so you seek to preserve her domination ev in those things which are constructed to recreate and amuse t mind. I therefore used to wonder before, as I expected nothi better in this neighborhood than hill and rocks (and, indeed, had been led to form these ideas by your own speeches and verse —I used to wonder, I say, that you were so exceedingly delight with this place. But my wonder, on the contrary, is how, wh you retire from Rome, you condescend to rusticate in any oth spot.

Marcus. But when I can escape for a few days, especial at this season of the year, I usually do come here, on account the beauty of the scenery and salubrity of the air; but it is b seldom that I have it in my power to do so. There is one reaso however, why I am so fond of this Arpinum, which does n appeal to you.

Atticus. What reason is that?

Cradle spot of Marcus and Quintus.

Marcus. Because, to confess the truth, it is the native pla of myself and my brother here; for here indeed, descended fr a very ancient race, we first saw the day. Here is our alta here are our ancestors, and here still remain many vestiges of o family. Besides, this villa which you behold in its present fo was originally constructed, at considerable expense, under r father's superintendence; for, having very infirm health, he spe the latter years of his life here, engaged in literary pursuits. A

The villa in his grandfather's time.

on this very place, too, while my grandfather was alive, a while the villa, according to old custom, was but a little one, li that one of Curius in the Sabine district, I myself was bo There is, therefore, an indescribable feeling insensibly pervadi my soul and sense which causes me, perhaps, to find a m than usual pleasure in this place. And even the wisest of m Ulysses, is said to have renounced immortality that he might or more visit his beloved Ithaca.[23]

[23] *De Leg.*, ii, 1.

The general plan of the treatise *De Legibus* and its relation to the *De Republica* are thus described:[24]

Relation between *De Republica* and *De Legibus* defined.

Atticus. But, if you ask what I expect, I should reply that, after having given us a treatise on the Commonwealth, it appears a natural consequence that you should also write one on the Laws. For that is what I see was done by your illustrious favorite Plato, the philosopher whom you admire and prefer to all others, and love with an especial affection.

Marcus. Do you wish, then, that, as he conversed at Crete with Clinias, and Megillus of Lacedaemon, on that summer's day, as he described it, in the cypress groves and sylvan avenues of Cnossus, often objecting to, and at times approving of, the established laws and customs of the commonwealths, and discussed what were the best laws; so we also, walking beneath these lofty poplars, along these green and umbrageous banks, and sometimes sitting down, should investigate the same subjects somewhat more copiously than is required by the practice of courts of law?[25] . . . For, take my word for it, in no kind of discussion can it be more advantageously displayed how much has been bestowed upon man by nature, and how great a capacity for the noblest enterprises is implanted in the mind of man, for the sake of cultivating and perfecting which we were born and sent into the world, and what beautiful association, what natural fellowship, binds men together by reciprocal charities; and when we have planned these grand and universal principles of morals, then the true fountain of laws and rights can be discovered.

How the true foundations of law and right may be discovered.

Atticus. In your opinion, then, it is not in the edict of the magistrate, as the majority of our modern lawyers pretend, nor in the *Twelve Tables,* as the ancients maintained, but in the sublimest doctrines of philosophy, that we must seek for the true source and obligation of jurisprudence.

Philosophy the source.

[24] "The entire treatise *De Legibus* — with the political statutes cast in the venerable garb of archaic language — shows the unvarying admiration with which Cicero contemplated the old constitution. Though the orator had suffered much in his own political career and personal fate from *tribuni plebis* like Clodius, he insists (*Leg.,* iii, 23 *sq.*) that the tribunate is a necessary and wholesome part of the political system, being intended to provide the blind efforts of the masses with visible leadership, and thus with responsibility." — Sihler, *Introd. to Cicero's Second Philippic,* xxvii.

[25] *De Leg.,* i, 5.

Marcus. The whole subject of universal law and jurisprudence must be comprehended in this discussion, in order that this which we call civil law may be confined in some small and narrow space of nature. For we shall have to explain the true nature of moral justice, which must be traced back from the nature of man. And laws will have to be considered by which all political states should be governed. And last of all, shall we speak of those laws and customs of nations, which are framed for use and convenience of particular countries (in which case our own people will not be omitted), which are known by the title of civil laws.[26]

True nature of moral justice.

In view of the reference made by Atticus to "your illustrious favorite Plato, the philosopher whom you admire and prefer to all others," it is all important to emphasize the fact that while in the composition of the treatise on the *Laws* the author did adopt that philosopher as a model, in all that relates to decoration and external form, he drew upon the Stoics for the whole substance, including definitions, propositions, and arguments, excepting only what is immediately connected with the Roman law. An eminent authority has well said that, with that exception, the entire substance of the treatise "can be traced to the labors of the Stoics, especially to the φυσίκαὶ θέσεις, the περὶ καλοῦ, the περὶ δικαίοσύνης, and above all the περὶ νόμου of Chrysippus; for the few fragments which have been preserved of these tracts are still sufficient to show that not only did Cicero draw his materials from their stores, but in some instances did little more than translate their words. Even in the passages on magistrates the ideas of Plato, Aristotle and Theophrastus are presented with the modifications introduced by Dion (Diogenes?) and Panaetius (*De Leg.* iii, 6).[27]

Plato followed only as to external forms.

Substance of the treatise drawn from Stoic sources.

[26] *De Leg.*, i, 5.

[27] Smith, *Dictionary of Greek and Roman Biography and Mythology*, vol. i, p. 730.

Cardinal Newman covered the matter perfectly when he said:

Cardinal Newman's statement.

> This difference of sentiment between the magistrate and the leader is strikingly illustrated in the opening of his treatise *De Legibus;* where, after deriving the principles of law from the nature of things, he is obliged to beg quarter of the Academics, whose reasoning he feels could at once destroy the foundation on which his argument rested. "My treatise throughout," he says, aims at the strengthening of states and the welfare of peoples. I dread therefore to lay down any but well considered and carefully examined principles; I do not say principles which are universally received, for none are such, but principles received by those philosophers who consider virtue to be desirable for its own sake, and nothing whatever to be good, or at least a great good, which is not in its own nature praiseworthy." These philosophers are the Stoics; and then, apparently alluding to the arguments of Carneades against justice, which he had put into the mouth of Philus in the third book of his *De Republica,* he proceeds: "As to the Academy, which puts the whole subject into utter confusion, I mean the New Academy of Arcesilaus and Carneades, let us persuade it to hold its peace. For, if it should make an inroad upon the views which we consider we have so skilfully put into shape, it will make an extreme havoc of them. The Academy I cannot conciliate, and I dare not ignore." [28]

First book seeks "the origin of justice at its fountain head."

> Passing from the character of the work as a whole we find its first book devoted to an investigation into the sources of justice and virtue, into a seeking "for the origin of justice at its fountain head." In that way it is ascertained first, that the ultimate source of justice is God; second, that men, being bound together by a community of feelings, faults, and desires, are compelled to cultivate social union, and consequently justice, without which social union cannot exist.
>
> There exists, therefore, since nothing is better than reason, and since this is the common property of God and man, a certain

[28] *Historical Sketches,* vol. i, pp. 272–273, quoting *De Leg.,* i, 13.

aboriginal rational intercourse between divine and human natures. But where reason is common, there right reason must also be common to the same parties; and since this right reason is what we call law, God and men must be considered as associated by law. Again, there must also be a communion of right where there is a communion of law. And those who have law and right thus in common, must be considered members of the same commonwealth. And if they are obedient to the same rule and the same authority, they are even much more so to this one celestial regency, this divine mind and omnipotent deity. So that the entire universe may be looked upon as forming one vast commonwealth of gods and men.[29] . . . . Then you have not much to add, my brother, for the arguments you have already used have sufficiently proved to Atticus, or at all events to me, that nature is the fountain of justice.[30]

God and men associated by law.

Nature the fountain of justice.

The final deduction is that as God is intimately connected with human nature through reason and virtue, God and man's moral nature are the joint sources of justice.

Second book devoted to religious worship.

The second book is devoted to the consideration of an ideal code, illustrated by constant references to ancient Roman institutions, which treats of hierarchical and ecclesiastical laws, embracing the worship of God, the sacred festivals, ministrations, and ceremonials. Morabin, in his striking preface to *De Legibus*, has said:

Morabin's striking comment.

In the second book, which treats of religious worship, he discovered an infinity of facts, which serve to undeceive us on the false ideas which are entertained respecting the religion of the ancients. Cicero proves that they also believed and worshiped one true God, in all his wonderful theophanies and developments, and that the astonishing multiplicity of divinities which they venerated was originally the product of a pious fear, but augmented and often corrupted by the interest of certain parties. The religion, therefore, of the ancient philosophers and sages

[29] *De Leg.*, i, 7. [30] Ibid., i, 13.

as only one form of the true theology; and it excites our admiation by showing us how frequently the grand doctrines of evelation are confirmed by the mythology of the heathens. Thus he great chain of divine truth was preserved entire, even in the idst of that confusion of gods, sacrifices, festivals, and religious eremonials, so generally idle, ridiculous, or profane.

Source of Hooker's famous exordium.

It is said that from Cicero's brilliant panegyric on divine aw and universal justice, Hooker drew the famous exordium to his *Ecclesiastical Polity*, specially notable for the eclaration:

> Of Law no less can be said, than that her seat is the bosom God, and her voice the harmony of the universe. All things heaven and earth do her homage, the very least as feeling her ire, and the greatest as not exempted from her power. Both ngels and men, and creatures of what creation soever, though ch in different sort and manner, yet all with uniform consent dmiring her as the mother of their common peace and joy.

Third book devoted to an exposition of civil laws.

The third book is devoted to an exposition of the civil ws, and the duties of the civil magistrates by whom they e enforced, attended by a series of legal maxims and ort expositions as to the nature and importance of their nctions as interpreters and enforcers of the laws. When we consider the manner in which the time is employed and the days distributed by the interlocutors, it quite possible that the original work was composed in books, corresponding to those of the *Commonwealth*. he fact that a fragment from the fifth book of the *Laws* quoted by Macrobius, is certainly evidence that at least o books have been lost.[31]

When due weight is given to the motive that inspired

[31] The title *De Legibus* rests on the authority of nearly all the MSS. The tle *De Jure Civili et Legibus*, which occurs in one only, grew, no doubt, of the desire to include the supposed contents of the later books. Cf. *Leg.*, iii, 5; Gell., i, 22.

De Officiis, the conclusion of an appeal first made in *De Republica*.

the production of the treatise entitled *De Officiis*, it must be regarded as the conclusion of an appeal for the regeneration of the Roman Republic first made in the *De Republica* and its supplement, *De Legibus*. Eight years had passed by since the composition of the last named, the tragedy of the ides of March was over; Cicero, weary and disillusioned, had written the Second Philippic but had not published it, when, in his lonely villa at Puteoli—

. . . . amid the November winds and snow, he worked anxiously at the task of constructing an ideal republic on paper. He had now finished the first two books and was proceeding with the third of his treatise upon duty, which, after some hesitation, he had entitled, *De Officiis*. . . . .

It must be constantly remembered that this book was written during the autumn of 44 B.C., under the stress of the reaction caused by the bitterness of the Civil War, by the moving tragedy of the ides of March, and by the apprehension of coming disaster; the reader who does not know the history of that terrible year, and of the daily life of Cicero during those months, will erroneously regard as one of many other mediocre philosophical treatises this most important document for the political and social life of Rome.

Social and political degeneration.

Like all deep thinkers in Rome after the Second Punic War, Cicero had been profoundly struck by the pitiable contradictions which he saw before him; while gaining in knowledge Italy also increased in corruption, wealth made her still more insatiable, her birth-rate declined as men were needed, she provoked war and lost her military capacity, extended her power over other peoples, and bartered away her own freedom. He therefore proposed to make one more search, as his predecessors had done, for the hidden means of conciliating imperialism with liberty, progress with prosperity, luxury and wealth with social and political discipline, and intellectual culture with morality; he resumed the consideration of a problem already examined in the *De Republica*, but on this occasion from the moral and social rather than from the political point of view.[32]

An effort to conciliate imperialism with liberty.

[32] Ferrero, *Greatness and Decline of Rome*, vol. iii, pp. 108–109.

The fact should never be lost sight of that the separation of the sciences, to which we are so accustomed, and which we take for granted, was unknown to that antiquity in which the world with all its phenomena was studied as a whole. Not until that single problem, in which the facts of nature and the doings of men were alike conceived of as ordered by the gods, was gradually broken up into minor problems was the line drawn between those sciences which deal with external nature, including theology and metaphysics, and those which deal with the actions of men.[33]

Separation of the sciences.

If we follow the Greeks, we must regard ethics as dealing essentially with man in his relations to his fellowmen — politics as dealing essentially with man not simply as a member of society, but as a member of some particular society organized in a particular way, and exercising supreme authority over its members. The fundamental maxim of Aristotle, the founder of the science of politics, is that man is born to be a citizen — ἄνθρωπος φύσει πολιτικὸν ζῶον.

Aristotle the founder of political science.

He cannot isolate himself without becoming either less or more than man (ἢ θηρίον ἢ θεός). The cityless man (πολις) — the natural man of Hobbes and Rousseau — must be more or less than man; either superhuman or monster. The assumption is that the state is a prime necessity to man; the state is prior in idea to the individual; the normal conception of man is of a man in a state of civilization. On those grounds Aristotle went from his *Ethics* to the composition of his *Politics*. He made the capital advance of separating ethics from politics.[34] And yet despite that advance, Cicero, in the three

Cicero ignored his separation of ethics from politics.

[33] Cf. Holland, *Jurisprudence*, p. 17, 10th ed.

[34] Cf. the author's *Science of Jurisprudence*, p. 4.

connected compositions in question, acting rather as statesman than as a philosopher, employed Stoic ethics considered as an applied moral science, as a drivin power in Roman politics. Morabin was right when h said:

> Cicero was not merely an orator and philosopher; he was als a statesman. Being perfectly acquainted with the interests o the Roman government, and conversant with all branches o natural, national, and civil law, he added to the grand specula tions of jurisprudence a practical intimacy with public affair in which he was deeply engaged during the most critical period

Zeno caught the practical spirit of the age.

Zeno, the founder of Stoicism, had caught the practica spirit of his age, the desire for a popular philosoph which would impel men to live not simply for themselves but for the common good, for society, for the state — i a word, a philosophy that would tend to make earnes and patriotic citizens. It was the Stoic reformer Panae tius, whose coming to Rome has been heretofore de scribed, who gave a fresh impetus to the subject of righ living through his work *Upon External Duty*.

Panaetius the founder of Roman Stoicism.

Panaetius may well be regarded as the founder of Roma Stoicism, and is of special interest to us as the writer of th treatise (περὶ καθήκοντος) which Cicero has freely translated in hi *De Officiis*. He sets before us Stoicism as the school which wil train the scholar, the gentleman, and the statesman. . . . . In hi treatises the figure of the wise man is withdrawn to the back ground; he is practically concerned only with the "probationer" (ὁ προκόπτων), who is making some advance in the direction o wisdom. This advance is not made by acts of perfect virtue, bu by regular performance of "services" (καθήκοντα, *officia*), th simple and daily duties which come in the way of the good citizen.[35]

[35] Arnold, *Roman Stoicism*, pp. 101–102. "Quod summum bonum Stoicis dicitur, id habet hanc, ut opinor, sententiam, cum virtute congruer semper, cetera autem, quae secundum naturam essent, ita legere, si e virtuti non repugnarent." — *De Off.*, iii, 3.

Cicero's primary purpose in the composition of the *De Officiis* was to construct out of Stoics ethics, as taught by Panaetius and others of his school, a manual of political morality in which moral obligations should be considered in reference to the practical business of the world as involved in the actual intercourse of social and political life. He addressed the work to his son Marcus, and through him to all young Romans of his son's age and rank. In that way he hoped to regenerate the Republic by infusing a new and higher life into the new citizens who were soon to compose it. He sounded the keynote of the entire appeal when, in "Scipio's Dream," he promised the dutiful, patriotic citizen fame in this world, and eternal rest and glory in a life to come. "And the best pursuits," he said, "are those which consist in promoting the good of your country. Such employments will speed the flight of your mind to this its proper abode."

Cicero's effort to construct out of Stoic ethics a code of practical morality.

There is no question as to the fact that in the composition of the first two books of the *De Officiis,* the author took the περὶ καθήκοντος of Panaetius as his guide; in fact it is through Cicero that we know clearly what the doctrines of Panaetius really were. He borrowed also from Antipater of Tyre, Diogenes of Babylon, Hecato, Posidonius, Diodotus, and others enumerated in the commentary of Beier and the tract of Lynden on Panaetius.[36]

Took Panaetius as his guide.

We have little reason to regret that only fragments at most remain of the works of these philosophers, since Cicero presents to us a comprehensive view not only of the doctrines they profess, but also of the criticisms which their opponents passed upon them, and again of the replies they made to these criticisms. In carrying out this work for Stoicism and its rival systems, Cicero not only created the philosophic terminology of the future by trans-

[36] *P. et Hecatonis librorum frag.*, coll. H. N. Fowler, 1855; *Disputatio inaug. de P. Rhodio.* F. van Lynden, Leyden, 1802.

lations of technical terms from Greek into Latin, but also estab lished a new style of philosophic discussion.[37]

An interesting sidelight.

We have an interesting sidelight in the letter written t Atticus from Puteoli, November 5, 44 B.C., in whic Cicero says:

Now for your later letter. The *De Officiis* — as far as Panae tius goes — I have completed in two books. His treatise is i three. But at the beginning he had defined the cases in whic duty has to be determined to be three: one when we deliberat as to whether a thing is right or wrong; another whether it i expedient or inexpedient; and a third when there seems to be contest between the right and the expedient, on what princip we are to decide — as, for instance, in the case of Regulus, i was right to return, expedient to stay. Well, having begun b defining these three categories, he discussed the first two in bri liant style; on the third he promised an essay in due course, bu never wrote it. That topic was taken up by Posidonius. I

Athenodorus Calvus.

however, both sent for the latter's book, and also wrote to Athe nodorus Calvus to send me an analysis of it. I am now waitin for this, and I should be obliged if you would give him a reminde and ask him to send it as soon as possible. In that treatise ther are remarks upon "relative duty." As to your question abou the title, I have no doubt about *officium* representing *καθηκον* — unless you have something else to suggest — but the fuller titl is *De Officiis*. Finally, I address it to my son. It seemed to m to be not inappropriate.[38]

First book a threefold division of the subject.

After a preface of a personal character directed t Marcus the younger, the first book opens with this three fold division of the subject:

In the opinion, therefore, of Panaetius, there is a threefol consideration for determining our resolution; for men doub whether the thing which falls under their consideration be o itself virtuous, or disgraceful, and in this deliberation minds ar often distracted into opposite sentiments. They then examine an

[37] Arnold, *Roman Stoicism*, p. 108.

[38] *Ad Att.*, xvi, 11.

deliberate whether or not the subject of their consideration conduces to the convenience or enjoyment of life, to the improvement of their estate and wealth, to their interest and power, by which they may profit themselves or their relations; all which deliberation falls under the category of utility. The third kind of doubtful deliberation is, when an apparent utility seems to clash with moral rectitude; for when utility hurries us to itself, and virtue, on the other hand, seems to call us back, it happens that the mind is distracted in the choice, and these occasion a double anxiety in deliberation. In this division (although an omission is of the worst consequence in divisions of this kind), two things are omitted; for we are accustomed to deliberate not only whether a thing be virtuous or shameful in itself, but, of two things that are virtuous, which is the more excellent? And, in like manner, of two things which are profitable, which is the more profitable?[39]

Thus the admonition is given that when we are called upon to perform any action we must ask, first, whether it is good in itself *(honestum)*, absolutely and abstractly good; second, whether it is good *(utile)*, when considered with reference to external objects; third, what course we must pursue when there is a conflict between the *honestum* and the *utile* — each admitting of degrees that must be examined in order to enable us to make choice of the highest. With his general scheme thus defined, the author proceeds to dissolve the *honestum* into its four constitutional elements: 1. The power of discerning the truth *(sapientia)*; 2. The capacity to guarantee justice and benevolence to all around us, and to keep contracts inviolate *(justicia (et) beneficentia)*; 3. Greatness and strength of mind *(fortitudo)*; 4. The power to do and say everything at the proper time, in the proper place, and in the proper way *(temperantia)*. After an exposition has been made of each of the four subdivisions, the

Is an action absolutely good *(honestum)* or relatively so *(utile)*?

[39] *De Off.*, i, 3.

book concludes with the declaration "that in the choice of our duties, we are to prefer that kind of duty which contributes to the good of society," viz., the good of the state — the one practical object of all of Cicero's philosophy.

Second book devoted to the *utile*.

In opening the second book, devoted to a consideration of the *utile*, the author says:

I think I have in the former book sufficiently explained in what manner our duties are derived from morality, and every kind of virtue. It now remains to treat of those kinds of duties that relate to the improvement of life, and to the acquirement of those means which men employ for the attainment of wealth and distinction. In this inquiry, as I have already observed, I will treat of what is useful, and what is not so. Of several utilities, I shall speak of that which is more useful or most so.[40]

At the close he says:

Now, in these precepts about things profitable, Antipater, the Tyrian, a Stoic who lately died at Athens, considers that two things are passed over by Panaetius — the care of health and of property — which matters I fancy were passed over by the very eminent philosopher because they were obvious; they certainly are useful.[41]

His last words are these:

But the comparison of external objects is thus, that glory should be preferred to wealth, a city income to a country one. Of which kind of comparison is that reply of Cato the elder, of whom, when inquiry was made, what was the best policy in the management of one's property, he answered, "Good grazing." "What was next?" "Tolerable grazing." "What third?" "Bad grazing." "What fourth?" "Tilling." And when he who had interrogated him inquired, "What do you think of lending at usury?" Then Cato answered, "What do you think of murder?[42]

Third book, no real conflict between *honestum* and *utile*.

After declaring in the third book that Panaetius had covered the subject-matter of the first two — "and whom

[40] *De Off.*, ii, 1. [41] Ibid., ii, 24. [42] Ibid., ii, 25.

making some correction, have principally followed" — he author calls attention to the fact that his Stoic master ad neglected to discuss a third grand division of the ubject which he states thus: "When that which had the ppearance of virtue was in opposition to that which eemed useful, how this ought to be determined." He nswers by demonstrating that there can never be any eal conflict between the *honestum* and the *utile,* because, hen an action is considered from the proper point of iew, it will always be found that they are inseparable rom each other. Among the difficult cases stated as tests f the application of the rules laid down, great emphasis given to that of Regulus, which is dismissed with this bservation:

Case of Regulus.

> But out of all this laudable conduct of Regulus, this alone is orthy of admiration, that he was of opinion that the prisoners ught to be retained. For that he returned seems wonderful to s now, though at that time he could not do otherwise. Therere, that was not the merit of the man, but of the times.[43]

The famous trilogy as a regenerating influence.

Who can read the famous trilogy composed of the *)e Republica,* the *De Legibus* and the *De Officiis,* and ail to see in it, when taken as a connected whole, a most eliberate and persistent effort upon the part of Cicero employ Stoic ethics as an applied moral science, as the est and only means of regenerating Roman social and olitical life?

[43] *De Off.,* iii, 31.

CHAPTER XIII

TREATISES ON PHILOSOPHY AND THEOLOGY

The *Academica*, two editions.

In the forefront of Cicero's dissertations on speculative philosophy stands his treatise on the *Theory of Human Understanding*, whose proper title is the *Academica*, of which there were two editions, the Verronian in four books, and the pre-Verronian in two books, both of which were put in circulation. A part of each has been preserved. In addition to a fragment containing twelve chapters of the first book of the second or Verronian edition, we have the entire second book of the first edition in forty-nine chapters, to which is prefixed the new introduction in praise of Lucullus, together with his proper title.[1] The second and greatly improved edition was dedicated to Varro, to whom Cicero wrote about July 12, 45 B.C., saying:

Second dedicated to Varro.

> I could not refrain from making manifest by such literary composition as I was capable of producing the union of our tastes and affections. I have therefore composed a dialogue purporting to be held between us in my villa at Cumae, Pomponius being there also. I have assigned to you the doctrines of Antiochus, which I thought I understood to have your approval; I have taken those of Philo for myself. I imagine that when you read it you will be surprised at our holding a conversation, which we never did hold; but you know the usual method of dialogues

[1] *Ad Att.*, xiii, 32. In that letter he says: "'Catulus' and 'Lucullus' [the first and second books of the *Academica*] I think you have already. To these books a new preface has been added, in which both of them are spoken of with commendation. I wish you to have these compositions, and there are some others. *You did not quite understand what I said to you about the ten legates, I suppose,* BECAUSE I WROTE IN SHORTHAND."

[2] *Ad Fam.*, ix, 6.

In that way the author undertook to unfold the origin and growth of the Academic philosophy, with the various modifications introduced by the successive expounders, with the purpose of demonstrating the superiority of the principles of the New Academy, as represented by Philo, over those of the Old Academy, as represented by Antiochus of Ascalon. The ultimate object in view was the discovery of the best method of ascertaining the truth and the assignment of that task to the several organs of perception.

Superiority of New Academy to Old.

Let us begin then with the senses — the judgments of which are so clear and certain, that if an option were given to our nature, and if some god were to ask of it whether it is content with its own unimpaired and uncorrupted senses, or whether it desires something better, I do not see what more it could ask for. . . . . But when practice and skill are added, so that one's eyes are charmed by a picture, and one's ears by songs, who is there who can fail to see what great power there is in the senses? How many things do painters see in shadows and in projections which we do not see? How many beauties which escape us in music are perceived by those who are practiced in that kind of accomplishment? Men who, at the first note of the flute player, say: That is the Antiope, or the Andromache, when we have not even a suspicion of it.[3]

The senses.

It would be hard, indeed, to withhold here this charming bit of information as to Cicero's method of doing things, contained in a letter to Atticus of July 12:

But pray, why in the world are you in such a fright at my bidding you to send the books to Varro at your own risk? Even at this eleventh hour, if you have any doubt, let me know. Nothing can be more finished than they are. . . . . After all, I do not despair of the book securing Varro's approval, and I am not sorry that my plan should be persisted in, as I have gone to some

Academica copied on long paper and sent to Varro at risk of Atticus.

[3] *Acad.*, ii, 7.

expense in long paper;[4] but I say again and again, it shall be do
at your risk. Wherefore, if you have any hesitation, let us chan
to Brutus, for he too is an adherent of Antiochus. What
excellent likeness of the Academy itself, with its instability, i
shifting views, now this way, now that! But, please tell m
Too complicated for shorthand. did you really like my letter to Varro? May I be hanged
I ever undertake another task quite as hard as this one! *Co
sequently I did not dictate it even to Tiro, who usually tak
down whole periods at a breath,*[5] but syllable by syllable to Spi
tharus.[6]

Just in advance of the *Academica* was composed an
published the dialogue in praise of philosophy known a
Hortensius, or *De Philosophia*. *Hortensius,* or *De Philosophia,* a considerable number c
unimportant fragments of which have been preserved b
St. Augustine, who bears brilliant testimony to its wort
Plato's *Timaeus.* in his *Confessions* (3, 4, 7);[7] and, after the completion c
the *Academica,* as we learn from the introduction, wa
executed a translation of Plato's *Timaeus,* a considerabl
fragment of which has survived.

Closely connected with the *Academica,* both as to tim
and subject, is the series of dialogues dedicated to Brutus
De Finibus Bonorum et Malorum. known as *De Finibus Bonorum et Malorum,* in which th
views of the Greek schools, specially those of the Stoics
Peripatetics and Epicurean, are discussed and compare
so far as they involve the great object or end *(finis)* t
which all of our thoughts, desires, and actions should b
directed — the Supreme Good considered as the essenc
of practical wisdom. In a letter to Atticus in June, 45 B.C.
the author says:

[4] *Macrocolla,* μακρόκολλα, was a specially large and expensive kind eithe
of paper or parchment. For a second reference to it, see *Ad Att.,* xvi,
Pliny (*N. H.,* xiii, 80) says it was a cubit in breadth.

[5] In *shorthand,* of course. The *Academica* was too difficult for tha
process. It had to be taken down in *longhand,* "syllable by syllable."

[6] *Ad Att.,* xiii, 25.

[7] Dissert. by Otto Plasberg, Leipzig, 1892.

In the manner of Aristotle.

What I have lately written is in the manner of Aristotle, where the conversation is so managed that he himself has the principal part. I have finished the five books of *De Finibus Bonorum et Malorum* so as to give the Epicurean doctrine to Lucius Torquatus, the Stoic to Marcus Cato, and the Peripatetic to Marcus Piso. For I consider that their being dead would preclude all jealousy. This new work *Academica,* as you know, I had divided between Catulus, Lucullus and Hortensius.[8]

Dedicated to Brutus.

It is quite probable that the formal presentation of the *De Finibus* to Brutus took place about the middle of August when he visited Cicero at his Tusculanum.[9] No attempt is made to maintain the unity of scene or character throughout the five books; the conversations discussing ideals of correct conduct, the highest good, are not supposed to have taken place between the same parties, at the same times, or at the same places. The first book, an apology for the study of philosophy, is devoted to an attack upon the doctrines of the Epicurean school, which drew from Torquatus an extended statement of the sentiments really entertained by Epicurus and the most notable of his followers respecting ἡδονή, in reference to which he said there had been much misunderstanding and misrepresentation which he proposed to remove. In the second book Cicero himself controverts the entire scheme of Epicurean morality, defining pleasure and denying to it the title of the Supreme Good, setting forth at the same time the chief arguments with which the Stoics assail the whole system. In the third book the scene is laid in the library of the young Lucullus in his villa at Tusculum where Cicero had met accidentally Cato (of Utica). Passing from the consideration of the scrolls by which they were surrounded, they proceed to discuss the difference between the ethics of the Stoics and those of the Old

First book an apology for the study of philosophy.

Second, an attack on the Epicureans.

Third, a discussion on ethics.

[8] *Ad Att.,* xiii, 19.

[9] *Ibid.,* xiii, 44.

Academy and the Peripatetics, Cicero contending that th differences were purely verbal and not real, and that Zen did wrong in abandoning Plato and Aristotle in order t set up a new school. In reply Cato asserted that the dif ferences were not verbal, but real, and that the tenet held by the Stoics as to the Supreme Good presented pure and higher ideals than any ever entertained before. A spokesman of the Stoic school Cato said in substance:

Cato speaks for the Stoics.

The good and the moral are convertible terms. Evil and th base are convertible terms. Utility has no place in the dete mination of the good. The good is not liable to argumentation it is not subject to relativity or degrees, it is absolute (34). Pas sions are really diseases of the soul. The morally good must no merely be contemplated in an academic way: no, it must b actively sought. All material things are ineffably inferior to th splendor and the absolute glory of the Stoic Good, as the glear of the lantern compares with the sun, or a drop of honey dis solved in the Aegean Sea. All sins are equal. All forms o righteousness are equal.[10]

It was in the course of this discussion that Cicero prompts Cato, who had recently died by his own hand, to express himself as to suicide. The essence of the respons was that the propriety of the act must always depend upon the special condition of the individual:

Expresses himself as to suicide.

Therefore the question of remaining in life, or of departing from it, is to be measured by all those circumstances which I hav mentioned above; for death is not to be sought for by those me who are retained in life by virtue, nor by those who are destitut of virtue. But it is often the duty of a wise man to depart from life, when he is thoroughly happy, if it is in his power to do so opportunely; and that is living in a manner suitable to nature, fo this maxim is that living happily depends upon opportunity Therefore a rule is laid down by wisdom, that if it be necessary a wise man is even to leave her himself.[11]

[10] Cf. Sihler, p. 376, for that beautiful restatement. [11] *De Fin.*, iii, 18

In the fourth book Cicero himself replies to Cato by restating the principal arguments with which the philosophers of the New Academy answer the Stoics in such a way as to confine his two criticisms to certain specific points. He makes it clear that he cannot fully adopt certain of their tenets which he enumerates. Then after stating the more notable of the Stoic axioms he concludes by saying: that "you are either assuming propositions which are not admitted, or else such as, even if granted, will do you no good".

Fourth, Cicero's reply for the New Academy.

In the fifth book we are taken back to the Academy at Athens as it appeared to Cicero in 79–78 B.C., when, during his eastern tour, he was there under Antiochus and Demetrius. He and his brother Quintus, his cousin Lucius, Atticus, and Piso are supposed to meet in the Academy where the last named, at the request of his companions, explains the precepts of Aristotle and his school as to the *Summum Bonum*. After Cicero had replied by stating the objections of the Stoics to the Peripatetic System, without pronouncing any judgment of his own as to the relative contentions of the warring sects, Piso rejoined, saying:

Fifth, the Academy at Athens, 79–78 B.C.

Aristotle.

> Do you not grant even this to the Peripatetics, that they may say that the life of all good — that is, of all wise men, and of men adorned with every virtue — has in all its parts more good than evil? Who says this? The Stoics may say so. By no means. But do not those very men who measure everything by pleasure and pain, say loudly that the wise man has always more things which he likes than dislikes?[12]

Piso's rejoinder for Peripatetics.

After we have weighed the accurate and impartial expositions of the doctrines of the different schools as stated therein in a highly polished and perspicuous style, remem-

[12] *De Fin.*, v, 31.

bering how abstruse and subtle many of the points in volved really are, it is hard to differ with those critic who contend that while this treatise is perhaps th most difficult, it is at the same time the most perfect, th most finished of all of the author's philosophical disser tations.

Tusculan Disputations.

From the *De Finibus,* involving the ultimate founda tions of ethics, the transition is easy to the incidental ques tions concerning ethics discussed in the *Tusculan Disputa tions (Tusculanae Disputationes)*, begun, no doubt, soo after the completion of the *Academica* and *De Finibu* in the year 45 B.C., and concluded before the ides o March, 44 B.C. On May 18, of that year, in replying t Atticus' commendation of the first book, the author says "I am rejoiced that you find the first book of my *Tuscula Disputations* arms you against the fear of death; there is in fact, no other refuge either better or more available." [13]

"If a man die, shall he live again?"

Close as Cicero now was to the shores of the othe country, he was devoting the best energies of his mind an soul to the question of questions to which the centurie had given no answer: "If a man die, shall he live again?" He had recently grappled in earnest with that question when, after the death of his beloved Tullia in midwinte of the year 45 B.C., he fled to Astura by the Sea, wher he had "his dark hour unseen" in "a dense and wil wood," in which for a time he lived apart and alone. Th

The *Consolatio.*

outcome of his meditations was the *Consolatio, seu d Luctu minuendo* [14] *(Consolation, or on the Lessening o Grief),* a few inconsiderable fragments of which hav been preserved, chiefly by Lactantius, in which we find touching reëcho in a new form of the beliefs and aspira

[13] *Ad Att.*, xv, 2. [14] *Ibid.*, xii, 20.

tions to which he had given such tender and earnest expression in "Scipio's Dream."

As Cicero's last words on the subject we have the *Tusculan Disputations* which contain, in five books, the fruits of as many conferences held with certain friends at his Tusculan villa in reference to five subjects which he thus restates, a little later in the year, in the *De Divinatione:*

Five great subjects.

> In five other books of *Tusculan Disputations,* I have expressed what most conduces to render life happy. In the first, I treat of the contempt of death; in the second, of the endurance of pain and sorrow; in the third, of the mitigation of sorrow; in the fourth, of the other perturbations of the mind; and in the fifth, I elaborate that most glorious of all philosophic doctrines — the all-sufficiency of virtue, which can secure our perpetual bliss without extraneous aids and appliances.[15]

First book, on the contempt of death.

In advocating, in the first book, a contempt of death, the contention is that it cannot be considered an evil to either the living or the dead, no matter whether the soul be mortal or immortal. The investigation into the real nature of death thus made necessary led to a review of philosophic opinion as to the soul, the contentions in favor of immortality being drawn in the main from the Stoics and from the *Phaedo,* or the *Phaedrus* of Plato. In referring to the *Consolatio,* of which the *Disputations* are really only a sequel, the author says:

Stoic and Platonic influences.

> As this is my opinion, I have explained it in these very few words, in my book on *Consolation.* The origin of the soul of man is not to be upon earth for there is nothing in the soul of a mixed or concrete nature, or that has any appearance of being formed or made out of the earth; nothing even humid, or airy, or fiery. For what is there in natures of that kind which has the power of memory, understanding, or thought? which can recol-

[15] *De Div.,* ii, 1.

lect the past, foresee the future, and comprehend the present. For these capabilities are confined to divine beings; nor can w discover any source from which man could derive them, but from

Nature of the soul.

God. There is, therefore, a peculiar nature and power in th soul, distinct from those natures which are known and familia to us. Whatever, then, that is which thinks, and which ha understanding, and volition, and a principle of life, is heavenl

It must be eternal.

and divine, and on that account must necessarily be eternal; no can God himself, who is known to us, be conceived to be anythin else except a soul free and unembarrassed, distinct from all menta concretion, acquainted with everything and giving motion t everything and itself endowed with perpetual motion.[16]

Second book, on the bearing of pain.

In the second book, devoted to the bearing of pain, th contention of Aristippus and Epicurus that it is the great est of all evils, is combated after the manner of Zeno Aristo, and Pyrrho, who claimed that it was not an evil at all:

> Even as in a battle, the dastardly and timorous soldier throw away his shield on the first appearance of an enemy, and run as fast as he can, and on that account loses his life sometimes though he has never received even one wound, when he wh stands his ground has nothing of the sort happen to him; so they who cannot bear the appearance of pain throw themselve away, and give themselves up to affliction and dismay, but the that oppose it often come off more than a match for it.[17]

Third book, on the mitigation of sorrow.

In the third book, devoted to the mitigation of sorrow the tenets of the Epicureans, of the Peripatetics, of th Cyrenaics, and of Crantor are all found wanting whe weighed in the balance against those of the Stoics:

> But how various, and how bitter, are the roots of grief! Wha ever they are, I propose, after having felled the trunk, to destr them all; even if it should be necessary, by allotting a separa dissertation to each, for I have leisure enough to do so, whatev

[16] *Tusc. Disp.*, i, 27. [17] Ibid., ii, 28.

time it may take up. But the principle of every anxiety is the same, though they may appear under different names. For envy is uneasiness; so are emulation, detraction, anguish, sorrow, sadness, tribulation, lamentation, vexation, grief, trouble, affliction, and despair. The Stoics define all those different feelings, and all those words which I have mentioned belong to different things, and do not as they seem, express the same ideas, but they are to a certain extent distinct, as I shall make appear perhaps in another place. These are those fibres of the roots, which, as I said at first, must be tracked back and cut off, and destroyed, so that not one shall remain.[18]

Fourth, wise man free from perturbations.

Continuing that theme in the fourth book, relating to other perturbations of the mind, the author undertakes to demonstrate that a really wise man is absolutely exempt from all such perturbations *(animi perturbatione)*. Turning again to the Stoics, especially to Zeno and Chrysippus, for definitions, he quotes the former (6) as saying that "a perturbation" (which he calls a πάθος) is a commotion of the mind repugnant to reason, and against nature. It is therefore a disease (38) which must be cured by philosophy:

> We must either deny that reason can effect anything, while, on the other hand, nothing can be done right without reason; or else, since philosophy depends on the deductions of reason, we must seek from her, if we would be good or happy, every help and assistance for living well and happily.

Fifth, virtue sufficient to insure a happy life.

The fifth book, after propounding the question whether virtue alone is sufficient to insure a happy life, answers it in the affirmative, thus accepting in its fullness that great moral dogma of the Stoics rather than the more guarded tenets of the Academics and Peripatetics:

> These then are the opinions, as I think, that are held and defended: the first four are simple ones; "that nothing is good

[18] *Tusc. Disp.*, iii, 34.

but what is honest," according to the Stoics: "nothing good but pleasure," as Epicurus maintains: "nothing good but freedom from pain," as Hieronymus asserts: "nothing good but the enjoyment of the principal, or all, or the greatest goods of nature," as Carneades maintained against the Stoics — these are all simple, the others are mixed propositions.

Now let us see what weight these men have in them, excepting the Stoics, whose opinion I think I have sufficiently defended. . . . For even as trading is said to be lucrative, and farming advantageous, not because the one never meets with any loss, nor the other with any damage from the inclemency of the weather, but because they succeed in general, so life may properly be called happy, not from its being entirely made up of good things, but because it abounds with these to a great and considerable degree. By this way of reasoning, then, a happy life may attend virtue even to the moment of execution.[19]

Every man can create and preserve his own happiness.

When the continuous and persistent argument which runs through the five books, each complete in itself and independent of the rest, is viewed as a connected whole, it is impossible not to see that each part contributes its quota to the ultimate conclusion that every man, if he is wise, possesses within himself the power to create and preserve his own happiness. But when the Stoics said that a man must live according to nature, they did not mean that he must obey his own particular nature; they meant that he must make his life conformable to the nature of the whole of things. Such was the basis of their ethical system in which morality was closely united with philosophy. The truly wise man was supposed to possess all knowledge; in that way he was perfect and sufficient in himself, despising all that subjected to its power the rest of mankind. Such a man might feel pain but is not subdued by it.

Reference should here be made to the monograph

[19] *Tusc. Disp.*, v, 30–31.

upon the six favorite Paradoxes of the Stoics *(Paradoxa Stoicorum)*, a *jeu d'esprit* constructed as a medium of covert attacks upon Hortensius, Crassus, and Lucullus, and of bitter denunciations against Clodius. The fourth paradox contains conclusive evidence that it was composed before the death of Clodius (52 B.C.); the sixth that it was composed prior to the death of Crassus (53 B.C.). The preface addressed to Brutus must have been composed early in 46 B.C., as Cato is spoken of as still among the living. There is also a statement that the *De Claris Oratoribus* was already published. This *parvum opusculum*, which was evidently some time in the making, is thus described by its author in his address to Marcus Brutus:

Paradoxa Stoicorum.

Described by its author.

> I have, for amusement, digested into commonplaces those topics which the Stoics scarcely prove in their retirement and in their schools. Such topics are termed, even by themselves, paradoxes, because they are remarkable, and contrary to the opinion of all men.

The moral the only good.

After stating the first, that the moral good is the only good, the author adds:

> Can any bad man enjoy a good thing? Or is it possible for a man not to be good, when he lives in the very abundance of good things?

The virtuous destitute of nothing.

The second, which asserts that a man who is virtuous is destitute of no requisite of a happy life, is followed by the statement that—

> . . . . we have seen Caius Marius; he, in my opinion, was in prosperity one of the happiest, and in adversity one of the greatest of men, than which man can have no happier lot.

Good and evil admit of no degrees.

The third, which asserts that good and evil admit of no degrees, that all misdeeds are in themselves equal and

all good actions equally meritorious, is followed by the statement that it matters not whether—

. . . . a pilot oversets a ship laden with gold or one laden with straw; in value there is some difference, but in the ignorance of the pilot there is none.

Every fool a madman.

The fourth, which asserts that every fool is a madman, is followed by this fling at Clodius:

You have perpetrated a massacre in the Forum, and occupied the temples with bands of armed ruffians; you have set on fire the temples of the gods and the houses of private citizens. If you are a citizen, in what sense was Spartacus an enemy? Can you be a citizen, through whom, for a time, the state had no existence? And do you apply to me your own designation, when all mankind thought on my departure Rome herself was gone into exile? Thou most frantic of all madmen, will thou never look around thee?

Every fool a slave.

The fifth, which asserts that every fool is a slave, the wise man alone is free, is followed by the statement that no one can exercise control over others—

. . . . who cannot command his own passions. Let him in the first place bridle his lusts, let him despise pleasures, let him subdue anger, let him get the better of avarice, let him expunge the other stains on his character, and then when he himself is no longer in subjection to disgrace and degradation, let him then, I say, begin to command others.

Only the wise man is rich.

The sixth, which asserts that the wise man alone is rich, is followed by the statement that—

. . . . the amount of wealth is not defined by the valuation or the census, but by habit and mode of life; not to be greedy is wealth, not to be extravagant is revenue. Above all things, to be content with what we possess is the greatest and most secure of riches. If therefore they who are the most skillful valuers of property highly estimate fields and certain sites, because such estates are the least liable to injury, how much more valuable is

virtue, which never can be wrested, never can be filched from us, which cannot be lost by fire or by shipwreck.

The most charming, perhaps, of all Cicero's essays on the philosophy of morals, by reason of its purity of language, its vividness of illustration, its majesty of tone, is his dissertation on old age *(Cato Major, De Senectute)*, framed at the end of 45 B.C. or at the commencement of 44 B.C. We first hear of it in a letter written from Puteoli, on May 11 of the year last named, by Cicero (then sixty-two) to Atticus (then sixty-six) in which the writer states: *De Senectute.*

I must read over again and again my *Cato Major,* which is dedicated to you. For old age is spoiling my temper. Everything puts me in a rage. But for me life is over. The rising generation must look to it. Take care of my affairs as you always do.[20]

There is a touch of pathetic humor in the contrast between the facts as stated in the letter to his other self and the theories as to the happy conditions attending old age which the essay in question describes. It appears from the brief introductory dialogue that Scipio Aemilianus and Laelius paid a visit during the consulship of Flamininus and Balbus (150 B.C.), to Cato the censor, then eighty-four years old, a rigid Stoic who was endowed with wonderful activity of body and freshness of mind. The possessor of such unusual blessings when called upon by Laelius and Scipio, both "hopeful of becoming old men," to explain "by what methods we may most easily be able to bear the increasing burden of old age," cheerfully complied by pronouncing a discourse in which he undertook to state and refute the four principal complaints

Pathetic contrast between facts and theory.

[20] *Ad Att.*, xiv, 21.

Cato's attempt to argue away the miseries of old age.

generally urged as to the miseries that beset the close o a long life. Cato says that old age is generally consid ered a burden; first because it is supposed to incapacitat a man for active business; second, because of the dimin ishing vigor of the body; third, because of the diminish ing capacity for pleasure; fourth, because it comes lik the herald with the inverted torch, to announce the nea approach of death. The first three propositions are out flanked by the only maneuver possible, the citation of par ticular cases of highly favored individuals who were abl to make themselves exceptions to the general rule, eithe by retaining their capacities for an unusual length of time or by being quite indifferent to the loss of them.

Case of Maximus.

I, as a young man [says Cato] was as fond of Quintus Maxi mus, who recovered Tarentum when an old one, as if he had bee of my own age. . . . . He both carried on campaigns like young man when he was quite old, and by his temper coole Hannibal when impetuous from the fire of youth. . . . . W must make a stand, Scipio and Laelius, against old age, and it faults must be atoned for by activity; we must fight, as it were against disease and in like manner against old age. Regard mus be paid to health; moderate exercises must be adopted; so muc of meat and drink must be taken that the strength may b recruited, not oppressed.[21]

Noble dissertation on immortality.

It was, however, in answer to the fourth objection tha old age is the relentless herald of death, that Cicero whose Stoic conceptions of immortality and of a life beyond the grave had taken on their final form, put forth his full strength. The essence of his thoughts without a change of words may thus be condensed:

Pythagoras forbids us to abandon the station or post of lif without the orders of our commander, that is of God. There

[21] *De Senect.*, iv, 11.

is indeed a saying of the wise Solon, in which he declares that he does not wish his own death to be unattended by the grief and lamentation of friends. He wishes, I suppose, that he should be dear to his friends. But I know not whether Ennius does not say with more propriety, "Let no one pay me honor with tears nor celebrate my funeral with mourning!" He conceives that a death ought not to be lamented which is to be followed by immortality. Indeed I do not see why I should not venture to tell you what I myself think concerning death; because I fancy I see it so much the more clearly in proportion as I am less distant from it.

Death, because followed by immortality, not to be lamented.

I used to hear that Pythagoras and the Pythagoreans,[22] who were all but our neighbors, and formerly called the Italian philosophers, had no doubt that we possess souls derived from the universal divine mind. Moreover, the arguments were conclusive to me, which Socrates delivered on the last day of his life concerning the immortality of the soul — he who was pronounced by the oracle of Apollo the wisest of all men.

But why say more? I have thus persuaded myself, such is my belief: that since such is the activity of our souls, so tenacious their memory of things past, and their sagacity regarding things future — so many arts, so many sciences, so many discoveries — that the nature which comprises these qualities cannot fail to be immortal; and since the mind is ever in action and has no source of motion, because it moves itself, I believe that it never will find any end of motion, because it never will part from itself; and since the nature of soul is uncompounded, and has not in itself any admixture heterogeneous and dissimilar to itself, I maintain that it cannot undergo dissolution; and if this be not possible, it cannot perish.

Soul cannot undergo dissolution.

Does it not seem to you that the soul which sees more and farther, sees that it is passing to a better state, while that body, whose vision is duller, does not see it? . . . . Oh, glorious day! when I shall depart to that divine company and assemblage of

[22] The souls of men were represented by the Pythagoreans as light particles of the universal soul diffused through the whole world (Cic., *De Nat. Deor.*, i, 11). While the souls of men proceeded from the sun, which was a mere reflex of the central fire, the souls of the gods proceeded directly from the central fire itself.

spirits, and quit this terrible and polluted scene. For I shall g not only to those great men of whom I have spoken before, bu also to my friend Cato, than whom never was better man born nor more distinguished for pious affection; whose body was burne by me, whereas, on the contrary, it was fitting that mine shoul be burned by him. But his soul not deserting me, but oft lookin back, no doubt departed to those regions whither I saw that myself was destined to go, which, though a sorrow to me, seemed patiently to endure. Not that I bore it with indifference but I comforted myself with the recollection that the separatio and distance between us would not continue long. For thes reasons, O Scipio (since you said that you with Laelius wer accustomed to wonder at this), old age is tolerable to me, an not only not irksome, but even delightful. And if I am in erro in believing that the soul of man is immortal, I err willingly nor have I any desire while life lasts to eradicate the error i which I take delight. But if, after death (as some small philoso phers think), I shall feel nothing, I have no fear that thos departed philosophers will ridicule my error.[23]

Why old age should be delightful.

No matter whether or no Cicero was indebted for th plan of his treatise to the Stoic philosopher Aristo o Chios, certain it is that he poured out his final conviction as to the immortality of the soul, as ripened under th Stoic theory of natural law with its source in a single God in Cato's animated discourse to Scipio and Laelius. Tha he did so *con amore* we cannot doubt because he says

For my part I have found the composition of this book s delightful, that it has not only wiped off all the annoyance c old age, but has rendered old age even easy and delightful.

The sequel to the treatise on *Old Age* is the treatise o *Friendship (Laelius, De Amicitia)*, in which is embodie a conversation supposed to have taken place betwee Laelius and his two sons-in-law, C. Fannius and C

Laelius, De Amicitia.

[23] *De Senect.*, xx, xxi, xxiii.

Mucius Scaevola, not long after the mysterious assassination of Scipio Amaelianus (129 B.C.), and repeated in after years to Cicero by Scaevola. It should be remembered here that it was this Scipio Africanus the Younger who was the friend of Panaetius, the real founder of Roman Stoicism about the year 140 B.C.; that another member of that first group of Roman Stoics was Laelius, the intimate friend of Scipio and Panaetius; that his son-in-law Scaevola, known as "the augur," was an eminent Stoic and the first law teacher of Cicero; and that his other son-in-law Fannius, who obtained some distinction as a historian, was also of the same sect.[24] "A family succession was maintained through two daughters of Laelius, so that here we may perhaps recognize the beginning of the deservedly famous 'Stoic marriages.'"[24a] It is not without significance that Cicero took the *dramatis personae* of the *De Amicitia* from this famous Stoic group with Laelius, the nearest perhaps of all the Romans to the ideal of the Stoic sage, as the chief speaker, as the Stoic Cato had been in the *De Senectute*. To reproduce his own words in the address to Atticus:

Famous "Stoic marriages."

> But as in the *Cato Major,* which was addressed to you on the subject of old age, I have introduced Cato when an old man conversing, because there seemed no person better adapted to speak of that period of life than he, who had been an old man for so long a time, and in that old age had been so pre-eminently prosperous; so when I had heard from our ancestors that the attachment of Caius Laelius and Publius Scipio was especially worthy of record, the character of Laelius seemed to me a suitable one to deliver these very observations on friendship which Scaevola remembered to have been spoken by him.[25]

Attachment of Laelius and Scipio.

[24] *Brut.,* 26. See also *De Orat.,* i, 11.
[24a] Arnold, *Roman Stoicism,* p. 383.
[25] *De Amicit.,* 1.

The deeper and real reason for the selection was tha Stoicism in its Roman form, the form he had done s much to fashion, had taken such complete possession c Cicero's mind and soul in his later years as to overshado all of his discourses, political, social, and spiritual. A spokesman of the Stoics Laelius says:

Let us consider these worthy of the name of good men, as the have been accounted such, because they follow (as far as me are able) nature, which is the best guide of a good life. For seem to myself to have this view, that we are so formed b nature, that there should be a certain social tie among all; stronge however, as each approaches nearer to us. . . . . Now friendshi is nothing else than a complete union of feeling on all subject divine and human, accompanied by a kindly feeling and attach ment. . . . . In the first place, to whom can life be worth living as Ennius says, who does not repose on the mutual kind feelin of some friend? What can be more delightful than to have on to whom you can speak on all subjects as to yourself? . . . Besides, he who looks on a true friend looks, as it were, upon kind of image of himself: wherefore friends, though absent, ar still present; though in poverty, they are rich; though weak, y in the enjoyment of health; and, what is still more difficult t assert, though dead, they are alive. . . . .

Friendship a complete union of feeling on all subjects.

In true friendship there is nothing false, and nothing pretended and whatever belongs to it is sincere and spontaneous. Where fore friendship seems to me to have sprung rather from natur than from a sense of want, and more from an attachment o the mind with certain feeling of affection, than from a calculatio how much advantage it would afford. . . . . So not only wi the greatest advantages be derived from friendship, but its origi from nature rather than from a sense of weakness, will be s once more impressive and more true. For if it were expedienc that cemented friendships, the same when changed would dissol them; but because nature can never change, therefore true frien ships are eternal. . . . .

Has its origin in nature.

Wherefore let us consider first, if you please, how far lo ought to proceed in friendship. . . . . It is no excuse for a fau

that you committed it for a friend's sake; for since the belief in another's excellence was that which conciliated friendship, it is hard for friendship to continue when you have apostasized from virtue. . . . . Let this law therefore be established in friendship, viz., that we should neither ask things that are improper, nor grant them when asked. . . . . I think, therefore, we must adopt these limitations, that when the character of friends is correct then there should be a community between them of all things, of purpose and will, without any exception. . . . . There should be no satiety of friendship as of other things: everything which is oldest (as those wines which bear age well) ought to be the sweetest; and that is true which is sometimes said, "many bushels of salt must be eaten together" before the duty of friendship can be fulfilled. [25a]

When there should be a community in all things.

From speculative and moral philosophy the transition is easy to the philosophy of religion, embodied in the treatise on the *Nature of the Gods (De Natura Deorum)*, published immediately after the *Tusculan Disputations* and immediately before the *De Divinatione*, all three works appearing in the early part of the year 44 B.C. When we contemplate the marvellous richness and volume of Cicero's intellectual output during the last three years of his life (46-43 B.C.), it is impossible not to conclude that within that time he, with almost incredible rapidity, cast into final form materials collected by degrees from his youth up. He so states at the beginning of this book:

De Natura Deorum, the philosophy of religion.

I observe that the several books which I have lately published have occasioned much noise and various discourse about them; some people wondering what the reason has been why I have applied myself so suddenly to the study of philosophy, and others desirous of knowing what my opinion is on such subjects. I likewise perceive that many people wonder at my following that philosophy [the Academic] chiefly which seems to take away the

[25a] *De Amicit.*, 5, 6, 7, 8, 9, 11, 12, 19.

light, and to bury and develop things in a kind of artificial night and that I should so unexpectedly have taken up the defense o a school [the Stoic] that has been so long neglected and forgotten.

But it is a mistake to suppose that this application to philosophical studies has been sudden on my part. I have applied myself to them from my youth at no small expense of time and trouble. . . . . But if any should ask what has induced me, in the decline of life, to write on these subjects, nothing is more easily answered; for when I found myself entirely disengaged from business, and the Commonwealth reduced to the necessity of being governed by the direction and care of one man [Caesar] I thought it becoming, for the sake of the public to instruct my countrymen in philosophy, and that it would be of importance and much to the honor and commendation of our city to have such great and excellent subjects introduced in the Latin tongue.[2]

Cicero explains why he expounds philosophy in the Latin tongue.

Earliest indication of preparation for the work.

The earliest indication of preparation for the compo sition of this particular work is to be found in a letter to Atticus written in July or August of the year 45 B.C., in which the author says: "Please send me the books o which I wrote to you before, and especially Phaedrus[27] *On Gods.*"[28] Nothing could be plainer than Cicero's design as a skilful advocate to give to Plato, speaking through the *Phaedrus* and the *Phaedo,* to the Epicurean and to the Peripatetics, a full and fair hearing in order to turn the scale, with greater emphasis, in favor of the Stoics whose cause he was with great tact and subtlety really defending.

In setting the stage in such a way as to carry out tha design, a conversation is reproduced which is supposed to have taken place in Cicero's presence about the yea 76 B.C. in the house of the pontifex maximus, C. Aureliu

[26] *De Nat. Deor.,* i, 3, 4.

[27] An Epicurean philosopher who came to Rome in 88 B.C., where h excited Cicero's interest. — *Ad Fam.,* xiii, 1; *De Fin.,* i, 16.

[28] *Ad Att.,* xiii, 39.

Cotta speaks for New Academy, Balbus for Stoics, Velleius for Epicureans.

Cotta, who, playing well the part of a New Academician, vigorously assailed the doctrines of others without advancing any positive views of his own, while the tenets of the Stoics were set forth with great clearness and power by Balbus, the pupil of Panaetius, and those of the Epicureans by Velleius, who took more pains to ridicule the speculations of the different schools than to defend those of the sect to which he belonged. And so the first book opens with a discourse from Velleius who, in a superior and contemptuous tone, makes a survey of doctrines running from Thales to Socrates, Plato, Antisthenes, Aristotle, and Chrysippus. As a fling at Plato's *Timaeus* and the Stoics he says:

A fling at Plato and the Stoics.

> Do not attend to these idle and imaginary tales; nor to the operator and builder of the World, the God of Plato's *Timaeus;* nor the old Prophetic dame, the Πρόνοια of the Stoics, which the Latins call Providence; nor to that round, that burning, revolving deity, the World, endowed with sense and understanding; the prodigies and wonders, not of inquisitive philosophers, but of dreamers! For with what eyes of the mind was your Plato able to see that workhouse of such stupendous toil, in which he makes the world to be modelled and built by God? What materials, what tools, what bars, what machines, what servants, were employed in so vast a work? How could the air, fire, water, and earth pay obedience and submit to the will of the architect?[20]

Cotta's response.

After Velleius had then praised Epicurus because, he said, that he alone had placed the existence of the gods upon a firm and reasonable basis, Cotta came forward and overthrew his whole argument by demonstrating first, that the reasons given by Epicurus for the existence of the gods were entirely inadequate; secondly, admitting their existence, nothing could be less seemly than the form and qualities assigned them; and thirdly, granting

[20] *De Nat. Deor.*, i, 8.

such form and qualities, nothing could be more grotesque than the assumption that mankind should feel grateful to beings from whom nothing can be hoped in the way of sympathy or support.

Essence of Stoic creed.

After the Academician Cotta, whose "school is at liberty to argue on which side you please," had thus disposed of the half-jesting Epicurean, Balbus came forward to propound the essence of the Stoic creed as to the nature of the universe and the Deity as its central and directing force.

> Our sect [he said] divide the whole question concerning the immortal gods into four parts. First, they prove that there are gods; secondly, of what character and nature they are; thirdly that the universe is governed by them; and lastly, that they exercise a superintendence over human affairs.[30]

God is the Universe, the Universe is God.

The essence of it all was embodied in the idea that God is the Universe and the Universe is God, who is the source of a system of permanent, uniform, and universal law of which he is the author, interpreter, and enforcer: a law known as the law of nature.[31] The inevitable corollary was that as such a system could only flow from a single source there could be but a single supreme God or Deity. To employ the words of Balbus:

> But as the previous idea which we have of the Deity comprehends two things — first of all, that he is an animated being; secondly, that there is nothing in all nature superior to him — I do not see what can be done more consistent with this idea and preconception than to attribute a mind and divinity to the world, the most excellent of all beings. . . . . It follows, then, that the world has life, sense, reason, and understanding and is consequently a Deity.[32]

[30] *De Nat. Deor.*, ii, 1.

[31] Cf. Zeller, *Stoics, Epicureans, and Skeptics*, pp. 143, 149; Arnold, *Roman Stoicism*, pp. 218 *sqq.*

[32] *De Nat. Deor.*, ii, 17.

Having thus established the existence of one supreme God as the sole and only source of the natural law, the Stoic logicians were compelled to degrade in some way the swarm of little gods who were still spoken of as such. That result was easily accomplished by simply treating the lesser gods as personifications either of certain physical forces in nature, or as personifications of certain moral or intellectual qualities in man. In stating that part of the case Balbus says:

One supreme God, source of natural law.

> There is another reason, too, and that founded on natural philosophy, which has greatly contributed to the number of Deities, namely, the custom of representing in human form a crowd of gods who have supplied the poets with fables and mankind with all sorts of superstition. . . . . By Saturn they mean that which comprehends the course and revolution of times and seasons. . . . . Our Augurs also mean the same, when, for the "thundering and lightening heaven" they say the "thundering and lightening Jove." [33]

Professor Sihler states the matter with reasonable clearness when he says:

> The Stoics, while utterly abandoning the anthropomorphism of Homer and Hesiod and popular religion, still in a certain way strove to maintain or conserve the chief figures of that Hellenic Olympus. They did this, however, in a kind of scientific way, recognizing them as Physical Forces. Here they surpassed themselves in etymological speculation. There is one God but there are also many concrete forces of nature, which mankind has found to be beneficent. In this spirit Zeno interpreted Hesiod's Theogony. Kronos is Time, in Latin, because "filled with years." [34]

The little gods as physical forces.

In arguing for design in the creation of the world as opposed to the Epicurean assumption of a fortuitous concourse of atoms, the Stoic says:

[33] *De Nat. Deor.*, ii, 24, 25. [34] Sihler, p. 388.

Design as against fortuitous concourse of atoms.

Can anyone in his senses imagine that this disposition of the stars, and this heaven, so beautifully adorned, could ever have been formed by a fortuitous concourse of atoms? Or what other nature, being destitute of intellect and reason, could possibly have produced these effects, which not only required reason to bring them about, but the very character of which could not be understood and appreciated without the most strenuous exertions of well-directed reason?[35]

Cotta's rejoinder in third book, parts of which are lost.

The pontifex maximus, Cotta, the host on this occasion, in his rejoinder to Balbus, embodied in the third book, did not attempt to demolish all that he had said; he simply contended, according to the skeptical fashion of his school, that the reasons given for his positions were not such as were calculated to produce conviction. That part of the rejoinder directed against the assumption of a Divine Providence is lost, as is also the criticism upon the evidence for the visible appearance of the gods on earth. The most notable part of the criticism perhaps is that embodied in the suggestion that, according to Stoic interpretation of the universe, Olympus is robbed of all divinity, as reason cannot be considered divine because men often use it for the advancement of evil.[36]

De Divinatione, a treatise on the mantic art.

As a sequel to the *De Natura Deorum* we have the treatise on the mantic art, or divination *(De Divinatione)*, the first book of which was completed before, and the second after the ides of March:

Now these topics I have often discussed [says the author], and I did so lately with more than usual minuteness, when I was with my brother Quintus, in my villa at Tusculum.

[35] *De Nat. Deor.,* ii, 44.

[36] In the dexterous and subtle logic of Cotta, we may unquestionably trace the master-spirit of Carneades as represented in the writings of his disciple Cleitomachus (Kühner, p. 98).—Cf. *Smith's Dictionary of Greek and Roman Biography and Mythology,* vol. i, p. 739.

For when, for the purpose of taking walking exercise, we had come into the Lyceum (for that is the name of the upper Gymnasium), "I read," said he, "a little while ago your third book on the *Nature of the Gods;* in which, although the arguments of Cotta have not wholly changed my previous opinions, they have undoubtedly a good deal shaken them." [37]

In what follows we have a detailed exposition of the conflicting opinions of the Stoics and the Academicians as to the reality of the science of divination, and the degree of confidence which should be reposed in its professors, Quintus Cicero, introduced for the first time in a dialogue of Marcus since 52 B.C., defending the doctrines of the Porch against those of the Academy. In the first book, chiefly devoted to a statement of the Stoic tenets, ultimately derived no doubt from Chrysippus himself,[38] the art of divination, expounding the signs given by God to men, is presented as something in close alliance with the Stoic belief in Providence (*πρόνοια*). We are told that—

Stoic proof of the reality of divination.

. . . . The Stoics attempt to prove the reality of divination in this way: If there are gods, and they do not intimate future events to men, they either do not love men, or they are ignorant of the future; or else they conceive that knowledge of the future can be of no service to men; or they conceive that it does not become their majesty to condescend to intimate beforehand what must be hereafter; or lastly, we must say that even the gods themselves cannot tell how to forewarn us of them. . . . . But there are gods, so therefore they do give such intimations; and if they do give such intimations, they must have given us the means of understanding them, or else they would give their information to no purpose. And if they do give us such means, divination must needs exist; therefore divination does exist.[39]

[37] *De Div.*, i, 5.
[38] Von Arnim, *Sto. Fragm.*, Pref., p. xxx, and vol. ii. p. 242.
[39] *De Div.*, i, 38.

A profound conviction of the reality of the existenc of manticism was deeply embedded in the traditions an feelings of Roman life, public and private. When th skeptic Caesar entered the Curia of Pompey, in the teet of unpropitious divination, when Crassus in the sam spirit entered Mesopotamia, each was fairly warned a to the inevitable outcome of such impiety.

After enumerating, at the opening of the second book many of his completed non-professional works, Cicer says:

> I am girding myself up to what remains, with the desire (if am not hindered by weightier business) of leaving no philosophica topic otherwise than fully explained and illustrated in the Lati language.

Arguments of Carneades against manticism.

He then proceeds to present the arguments of Car neades, the head of the skeptical Academy, who con tended that manticism was a delusion, and that th warnings it pretends to convey, if real, would be rathe a curse than a blessing to mankind. In enforcing tha view he says:

References to Crassus.

Do you think that it would have been any advantage to Marcu Crassus, when he was flourishing with the amplest riches an gifts of fortune, to have foreknown that he should behold his so Publius slain, his forces defeated, and lose his own life beyon the Euphrates with ignominy and disgrace? Or do you thin

Pompey.

that Pompey would have experienced much satisfaction in bein thrice made consul, and having attained the summit of glory b his heroic actions, if he could have foreseen that he should b assassinated in the deserts of Egypt after the defeat of his arm and that after his death those disasters should happen which w

Caesar.

cannot mention without tears? What do you think of Caesa Would it have been only pleasure to Caesar to have anticipate by divination that one day, in the midst of the throngs of senato whom he himself had elected, in the Temple of Victory built l

Pompey, and before that general's statue, and before the eyes of so many of his own centurions, he should be slain by the noblest citizens, some of whom were indebted to him for their dignities — aye, slain under such circumstances that not one of his friends, or even of his servants, would venture to approach him? Could he have foreseen all this, in what wretchedness would he have passed his life?[40]

Let us reject, therefore, this divination of dreams, as well as all other kinds. For to speak truly, that superstition has extended itself through all nations, and has oppressed the intellectual energies of almost all men, and has betrayed them into endless imbecilities: as I argued in my treatise on the *Nature of the Gods,* and as I have especially labored to prove in this dialogue on *Divination.* For I thought that I should be doing an immense benefit both to myself and to my countrymen if I could entirely eradicate all those superstitious errors.[41]

An oppressive superstition.

In the fragment of a treatise on *Fate or Destiny (De Fato)*, of which the opening and closing portions have been lost, we have the last of the series of dissertations on speculative theology, beginning with the *De Natura Deorum* and continued in the *De Divinatione.* This mutilated and confused survival, whose style is careless and unfinished, represents what is supposed to have been a critical review of the tenets of the leading philosophic sects on the unsolvable problems involved in the dogmas of predestination and free will. Evidently the most prominent place was assigned to the Stoics who claimed that Fate, or Destiny, is the great ruling power of the universe, the λόγος,[42] the divine essence from which all impulses are drawn, the Academics claiming, on the other hand, that the movements of the mind are voluntary, or at least not necessarily subject to external control.

De Fato, last of the series on speculative theology.

Fate the λόγος, the divine essence.

[40] *De Div.,* ii, 9.
[41] Ibid., ii, 72.
[42] Fate is in fact but another name for the Logos or World-reason. — Arnold, p. 202.

"The reason of the universe."

According to Chrysippus, "Fate is the reason of the universe," or "the rational principle in accordance with which current events have happened, and in accordance with which they are taking place, and further events will take place."[43] The first or positive part of the treatise has been lost; it is the negative portion that has been preserved — the Academic analysis and refutation of the Stoic position.[44] The dialogue occurred at Cicero's Puteolanum, where he spent the months of April and May after Caesar's death, the speakers being Cicero himself and Hirtius, consul elect, who was to begin his consulate at Rome on January 1, 43 B.C. While Cicero evidently regarded Fate or Destiny as the dictum of Providence, the decree of God, he certainly assumed at the same time that it is essentially conditional, going hand in hand with free will, since free will is one condition of Fate itself.[45] To use his own words:

Destiny and free will interdependent.

> Those, therefore, who thus introduce fate, and join necessity with it, rush wildly into this absurd consequence, namely the destruction of free will. But those who admit antecedent causes without supposing them principal, have no such error to fear. In fact, nothing is more natural, according to these philosophers, than the manner in which the sentiments are produced by pre-existent causes. . . . . Thus we may understand how both these contending disputants, when they have fairly explained their systems, arrive at the same essential result, and only differ in terms.
>
> And since the main points are admitted by both sides, we may affirm with confidence that when certain causes precede certain effects we cannot hinder these effects from happening. In other cases, on the contrary, though certain causes preëxist, we have the moulding of their effects in our own power. Such is the

[43] Diog. L., vii, 149.

[44] Cf. Sihler, p. 404.

[45] In that way he agreed with the Fathers of the first three centuries, as explained by Leibnitz and Erasmus.

distinction recognized by both sides; but some imagine that those things whose causes so precede as to deprive us of the power of moulding the effect, are submitted to the empire of fate, but that those which depend on ourselves are free from it.[46]

[46] *De Fato,* 18, 19. Niebuhr (*Vorträge über römische Geschichte,* Berlin, 1848, vol. iii, p. 85) says: "In this summer Cicero developed the greatest intellectual activity. He began the books *De Officiis,* he wrote *De Divinatione, De Fato, Topica, De Gloria,* and an enormous number of letters, many of which are not preserved. I know of no man who was so intensively active as was Cicero at this time: an ordinary being would be stupefied amid such circumstances, and think of the present only with consternation. Cicero knew everything that transpired, but did not at all permit himself to be overwhelmed by what he could not prevent, and he turned all his thoughts towards the domain of thought. That in this occupation he found distraction from his grief demonstrates the greatness of his soul."

CHAPTER XIV

CORRESPONDENCE AND MISCELLANEOUS WORKS

No matter with how much zest Cicero may have enjoyed an excursion to one of his many country seats, he loved more the excitements of the town, to which he was ever looking for news of current events. In a letter written to Caelius Rufus, then curule aedile, in June, 50 B.C., he says:

"The city, the city, my dear Rufus, stick to that."

> The city, the city, my dear Rufus — stick to that and live in its limelight! Residence elsewhere — as I made up my mind in early life — is mere eclipse and obscurity to those whose energy is capable of shining at Rome.[1]

How news was circulated at Rome.

In order to satisfy the craving for news, upon the part of those without as well as of those within the city, certain persons made a living at Rome by collecting the most important and interesting information, public and private, which they circulated every few days in a small handbook or gazette, *Commentarius rerum urbanarum*, copied many times by slaves, and distributed among those rich enough to subscribe for it. In order to popularize that process, Caesar, during his first consulship, seems to have passed a decree commanding one of the magistrates to cause a résumé of all of the most important news to be posted on white-washed walls in different parts of the city, with the further direction that so soon as it became stale the walls should be white-washed again in order that a fresh budget might appear.[2]

[1] *Ad Fam.*, ii, 12.

[2] Suet., *Caes.*, 20; Daremberg and Saglio, *D. A.*, i, 50, 51; Huebner, *De Senatus Populique Romani Actis*, Leipzig, 1860; Ferrero, *Greatness and Decline of Rome*, vol. i, p. 287.

Ancient placards as a means of publicity.

In the absence of newspapers and knowledge of the art of printing[3] the ancients, as a means of publicity, employed placards.

When we traverse the ruins of a Roman town, we encounter them at every step. There are those made to last, and, with this intention, graven on brass, on marble, on stone. These are the enactments of authority, the laws of the emperors, the decrees of the Senate, and the decurions, or, even in private life, the contracts guaranteeing the right of possession, and the minutes of religious corporations desirous of recording the regular performance of their sacred functions. For things of minor note people had not recourse to materials of such costliness. On a board, or simply on a wall whitened with chalk, they wrote in black or red what they wished to advertise: the letting of a suite of rooms "at the kalends of July or the ides of August," the announcement of a show, "which will take place, weather permitting or without fail," and more often still, an election address. . . . .

Among the Romans the placard never grew into a newspaper, but it continued to be displayed on the walls until the end of the Empire, and never ceased to be their principal medium of publicity. . . . . Sainte Beuve was quite right in saying: "The true *Moniteur* of the Romans must be sought in the innumerable pages of marble and bronze on which they graved their laws and their victories."[4]

Caesar gave publicity to proceedings of the Senate.

Caesar, who was installed as consul in 59 B.C., inaugurated another innovation when he arranged that reports of the sittings of the Senate should be made in a more regular manner, and for public distribution. "One of his first acts," says Suetonius, "was to decree that the reports of the sittings of the Senate, as well as those of the

[3] Certainly they came very near to the discovery of that art when they invented iron stamps, in relief or hollowed out, with which they printed upon thousands of vases, lamps, and tiles the name of the maker, the place where made, with mention of the consuls in office, in order to fix the date of production.

[4] Bossier, *Tacitus and Other Roman Studies,* pp. 198–223, Hutchinson's translation.

people, should be daily written out and published": *Instituit ut tam senatus quam populi diurna confierent et publicarentur.*

One of the strong points of the Senate had been the secrecy of its proceedings; nothing of what actually transpired within it could be known, outside of that which it found convenient to disclose. Eager to do as much harm as possible to the aristocratic party, under the pretext of serving the democracy, Caesar resorted to this expedient in the belief that the Senate would be less esteemed the better it was known. It seems to be clear that reports of the Senate were conveyed to the people in the same manner as the *Great Annals* which had grown out of the practice of placing each year on the wall of the *Regia,* the residence of the pontifex maximus, a whitened board, called *album,* on which were inscribed, below the names of the consuls and magistrates, such notable political or military events as had happened at Rome or in the provinces. To the white tablet of the pontifex maximus the peasants who formed part of the tribes of the Campagna, many of whom had children in the army, made their first visit, no doubt, whenever market day or other occasion drew them to the city from the country. At the end of the year the supreme pontiff's tablet was removed and stored in the archives. When these boards, laden with so many memorials of the past, were finally brought together and published under the title of *Annales Maximi,* we have the beginnings of Roman history.[5] In some such way the reports of the Senate must have been exhibited in the Forum, or in some other much frequented spot where the people could gather to read the proceed-

The *Great Annals* as a source of Roman history.

[5] As to the *Annales Maximi,* see Dyer, *A History of the City of Rome,* pp. xvii–xxviii.

THE ROMAN FORUM.

ings of an aristocratic assembly which had taken place immemorially in secrecy.

At a very early day, into these Forum placards, designed to exhibit only the reports of the meetings of the Senate and people, were interpolated what Caelius treated as ineptitudes *(ineptiae)* and what we now call miscellaneous news *(faits divers)*. Then, after the Empire had practically abolished the assemblies of the people, and reduced the influence of the Senate to a shadow, "the essential part of the *Acta senatus et populi,* that which at first had been their reason for existence, coming to be diminished more and more, the news of Rome, or, if you will, the miscellaneous news, little by little assumed the upper hand, and that which was accessory ended by becoming the principal feature. . . . . The ancient *Acta senatus et populi,* which Caesar had created, became indiscernible. And so, apparently, the need was experienced of modifying the name they bore. They are usually called *Acta diurna populi Romani.* This title we have a right to translate by that of the *Roman Journal.*" [6]

Acta diurna populi romani.

But all such news, received through such semi-official sources, was more or less tame and perfunctory, confined as it was in the main to reports of public meetings, to a short summary of cases tried in the Forum, or the accounts of public ceremonies and atmospheric phenomena or prodigies. For the benefit of those who were required to live during long periods of time away from Rome, such as praetors and pro-consuls in the provinces, the deficiencies of the *Acta diurna* were supplied by "newsletters" written by paid correspondents, a class well de-

The news-letter.

[6] Bossier, *Tacitus and Other Roman Studies,* pp. 219–221, who says: "The most complete collection of what remains to us of the *Roman Journal* is to be found in M. Hübner's monograph entitled *De senatus populique romani actis,* Leipzig, 1860."

scribed in a letter written by Caelius Rufus to Cicero, while on his way to his province of Cilicia, in which the writer says:

> As I promised you on the eve of your departure to write a full and careful account of all that went on in the city, I have taken pains to secure a man to describe everything so fully that I fear his industry in this respect may appear to you somewhat overdone. . . . . It would have required considerable leisure not only to copy out all these details, but even to take notice of them; for the packet contains all the decrees of the Senate, edicts, gossip, and reports. If this specimen does not meet your wishes, let me know, that I may not spend money only to bore you.[7]

Personal letters from trusted friends.

And still, over and above all such news as could be derived from all such sources, there was a need upon the part of leaders who could not be present in the midst of the whirl of Rome, for a more personal and intimate kind of information to be derived only from trusted and influential friends who could listen to private conversations behind the scenes in high places, and thus learn of the secret agreements, the discords, the intrigues, the political combinations which were the mainsprings of current events.

Epistolary history of the last years of Roman Republic.

It was that kind of news Cicero craved when he settled down at Puteoli, Formiae, or Arpinum; and in order to obtain it, it was necessary for him to exchange letters constantly with such friends as Atticus, Curio, and Caelius Rufus, who were expected to supply it. In that way was written a fragmentary yet vivid history of the last years of the Roman Republic, which, coming as it does from

[7] *Ad Fam.*, viii, 1. See also *Ad Fam.*, viii, 1; viii, 2; viii, 11. In the first letter cited Caelius says: "As to Caesar, there are frequent and rather ugly reports—at any rate, people keep arriving with mysterious whispers; one says that he has lost his cavalry, which, in my opinion, is without doubt an invention; another says that the seventh legion has had a drubbing, that he himself is besieged among the Bellovaci, and cut off from the main army."

such a pen as Cicero's, is beyond all price. His contemporary Cornelius Nepos was certainly right when he said that he who reads those letters will not be tempted to seek the history of those dramatic times elsewhere. Cardinal Newman has said somewhere:

> It has ever been a hobby of mine, though perhaps it is a truism, not a hobby, that the true life of a man is in his letters. . . . . Biographers vanish, they assign motives, they conjecture feelings, they interpret Lord Burleigh's nods, but contemporary letters are facts.

Cicero's correspondence begins in his thirty-ninth year.

Cicero's correspondence, as it has been handed down to us, does not begin until his thirty-ninth year; and, so strictly is it confined to contemporary events that it sheds but little light upon the past. At first it is desultory; there are but eleven letters between 68 B.C. and 65 B.C. Before the year first named he had already been quaestor (75 B.C.), and aedile (69 B.C.), and was then on the eve of his election to the praetorship in the next year (67 B.C.). He was already the leader of the Roman bar, having delivered his great oration against Verres two years before. Eleven years had passed by since the cementing anew of his relations with Atticus at Athens in 79 B.C.; and to this friend, whom he had known from his boyhood, he says in the first letter:

First letter to Atticus then at Athens.

> I am glad you like your purchase in Epirus. What I commissioned you to get for me, and anything you see suitable to my Tuscan villa, I should be glad if you will, as you say in your letter, procure for me, only do not put yourself to any inconvenience. The truth is, there is no other place that gives me complete rest after all my worries and hard work.[8]

Thus we begin with the successful advocate's letters, just after he had acquired the first of his numerous

[8] *Ad Att.*, i, 5.

country villas which he proudly called the gems of Italy.

No letters for the critical years 64 and 63 B. C.

There are no letters either for the year 64 B.C., in which he made his canvass for the consulship, nor for the year 63 B.C., the year of the consulship itself. We have therefore no strictly contemporaneous accounts from him of the stirring events involved in the suppression of the Catilinian conspiracy, or of the execution of its leaders, a transaction which so deeply affected his after life. In Cicero's time letters were written either on tablets of ivory or wood covered with wax, in which the letters were cut in uncial characters by the *stilus*, the projecting rim of the tablets protecting them from defacement; or they were written on parchment or paper with a reed pen and ink. The longer letters of Cicero were probably written in that manner.[9]

Correspondence continuous from 62 to 43 B. C.

Apart from the first eleven letters, the correspondence really begins with the return of Pompey from the East in 62 B.C. and ends with the rise of Octavian and the formation in 43 B.C. of the Second Triumvirate, whose terrible death-toll included the life of Cicero himself. Within that period we have in the correspondence in question the most voluminous record that has descended from antiquity of the acts, the thoughts, the feelings of one of the most gifted men who ever lived, while passing through the momentous events incident to a turning-point in the world's history. A prince among critics has said:

A splendid estimate.

Notwithstanding the manifold attractions offered by the works of Cicero, we believe that the man of taste, the historian, the antiquary, and the student of human nature, would willingly resign them all rather than be deprived of the *Epistles*. Greece can furnish us with more profound philosophers, and with superior oratory, but the ancient world has left us nothing that could

[9] See the reference to *charta* in *Ad Fam.*, vii, 18, and also in *Ad Att.*, iv, 4

upply the place of these letters. Whether we regard them as here specimens of style, at one time reflecting the conversational one of familiar everyday life in its most graceful form, at another sparkling with wit, at another claiming applause as works f art belonging to the highest class, at another couched in all the tiff courtesy of diplomatic reserve; or whether we consider the mple materials, derived from the purest and most inaccessible ources, which they supply for a history of the Roman constitution uring its last struggles, affording a deep insight into the personal ispositions and motives of the chief leaders; or, finally, seek and nd in them a complete key to the character of Cicero himself, nlocking as they do the most hidden secrets of his thoughts, evealing the whole man in all his greatness and all his meanness, heir value is altogether inestimable.[10]

The entire correspondence, extending over a period f twenty-six years and embracing nearly a thousand etters, is generally arranged in four groups. The first s entitled either *Epistolarum ad Familiares,* or, *Epistolarum ad Diversos Libri XVI;* the second, *Epistolarum ad T. Pomponium Atticum XVI;* the third, *Epistolarum ad Q. Fratrem Libri III;* the fourth, in most editions, *Epistolarum ad Brutum Liber*—a series of eighteen etters written after Caesar's death, eleven from Cicero o Brutus, six from Brutus to Cicero, and one from Brutus to Atticus. Of that notable person, everybody's riend, to whom the greater part of Cicero's letters were ddressed, we would gladly know more. We know at east that Titus Pomponius was born at Rome, 109 B.C., f a wealthy family of equestrian rank; and that when is father died, while he was quite a young man, leaving im a moderate fortune, he prudently retired with it to thens[11] in order to escape the dangers of the civil war

Letters arranged in four groups.

Titus Pomponius born at Rome, 109 B.C.

[10] Smith, *Dictionary of Greek and Roman Biography and Mythology,* ol. i, p. 744.

[11] About 86 B.C. Cf. Drumann, vol. v, p. 8.

in which he came near being involved through his ki
ship with Sulpicius, one of the leaders of the popula
party, who was put to death with his partisans by Sulla
order. Then and there it was that he resolved to stan
aloof from public affairs, to escape the entanglemen
of faction while preserving friendly relations with a
parties.

Out of his life at Athens grew his title of Atticus.

Thus removed from the trials and dangers of Roma
politics, he made himself a part of the life of Athen
where he distributed corn to the citizens, lent money wit
out interest to needy men of letters, distinguishing hin
self at the same time as the first Roman who dared t
declare openly his fondness for the arts and culture o
Greece. In that way his nickname of Atticus was acquire
While through the fortunate purchase of an estate i
Epirus, which prospered under his skillful managemen
his means began to grow, fortune came in a larger wa
when his uncle, Q. Caecilius, the most notorious usure
in Rome, adopted him in his will, leaving him the greate
part of his estate, ten million sesterces, $400,000[12] o

Money lender and publisher at Athens.

more. He was thus able to become a money lender an
to build up a large library at Athens, in which he ke
a staff of slaves engaged in the task of making copies o
valuable books which he sold.[13]

His return to Rome.

After an absence of more than twenty years from Rom
broken only at long intervals by short visits, Attic
wound up his banking business in such a way as to conce

[12] Nepos, *Vit. Att.*, 2.

[13] Before Atticus left Athens he had a whole library to dispose of. Cic
had his eyes upon it (*Ad Att.*, i, 10). "His household staff," says Ne
(*Vit.* Att., 13), "though insignificant for purposes of display, was admira
so far as use was concerned. It comprised a number of highly educa
slaves, excellent readers and copyists enough and to spare; indeed, th
was not a footman who was not able to discharge both these functions w
credit."

the sources of his wealth, and returned to Rome, where he divided his time between his town and country houses.[14]

The natural ties of friendship which bound Cicero to Atticus had been strengthened — some say weakened — by the marriage of the former's only brother, Quintus, to the latter's sister, Pomponia,[15] a touchy and jealous lady who found relief at last through divorce. But over and above all else stood the fact that Atticus was Cicero's banker and book publisher, and general guide, counsellor, and friend, ever ready to buy decorations for his villas, to publish in Greek the history of his consulship, to dissuade him from suicide, to arrange for the return of the dower of Terentia, to criticize his translation of καθήκον,[16] to find the proper persons when treatises were to be dedicated, and finally to provide loans whenever creditors were importunate.

Cicero's banker and book publisher.

This priceless friend was ever ready to be useful, even as a target when the barbed arrows of sarcasm could find no better mark. After Pomponia's son Quintus had made a pathetic and fruitless appeal to his famous uncle for a loan, he told Atticus: "I took then something of your eloquence; I answered nothing." As another tribute to the thriftiness of the helpful friend, who is said to have expended only 3,000 asses ($30) per month on his table,[17] Cicero circulated the report that he often served to his guest very common vegetables on very costly plate.[18] At the next moment, however, the great orator

His parsimony.

[14] His house at Rome was on the Quirinal near the temples of Salus and Quirinus (*Ad Att.*, xii, 45; *De Leg.*, i, 1). Its chief ornament was a wood (*silva*) or park (Nepos, *Vit. Att.*, 13).

[15] Nepos, *Vit. Att.*, 5. [16] *Ad Att.*, xvi, 14. [17] Nepos, *Vit. Att.*, 13.

[18] *Ad Att.*, vi, 1. When Cicero sent to Atticus (*Ad Att.*, xvi, 3) his treatise *De Gloria*, with the request that it should be copied on large paper, he suggested that he read it to his guests at a dinner he was about to give, adding: "Give them a decent dinner as you love me; else they will vent on my treatise their indignation against you."

would invite the thrifty and unselfish friend into the penetralia of his life, and exhibit to him, behind the scenes, all the devices by which he produced stage effects. In one of his letters he says:

Cicero's confidence in him.

> My book, on the other hand, has exhausted the whole scent-box of Isocrates, and all the paint-boxes of his pupils, and even Aristotle's colors.[19]

That he loved Atticus tenderly there can be no doubt; that he longed for him always is made plain by the exclamation:

> May I perish, my dear Atticus, if either my Tusculan villa, where in all other respects I am very happy, or even "the Isles of the Blest," could satisfy me without you.[20]

His last letter to him.

The last letter that has come down to us was written from Arpinum between November 11 and December 9 of the year 44 B.C. to Atticus at Rome, in which Cicero says:

> I return to public affairs. I have received — heaven knows — many a prudent word from you under the head of politics, but never anything wiser than your last letter: "Though that youth is powerful and has given Antony a fine check; yet, after all, we must wait to see the end." My, what a speech! [The *contio* delivered by Octavian on his first visit to Rome.] It has been sent to me. He qualifies his oath by the words: "So may I attain to the honors of my father," and at the same time he held out his right hand in the direction of his statue. *Nec servatoribus istis.* But, as you say in your letter, the most certain source of danger I see to be is the tribuneship of this Caesar of ours. This is what I spoke about to Oppius. When he urged me to open my arms to the young man, the whole cause, and the bevy of veterans, I replied that I could by no means do so unless I was completely satisfied that he would be not only not hostile to the tyrannicides, but actually their friend. When he remarked that it would be so, I said, "What is our hurry then? For Octavian

Pen picture of Octavian.

[19] *Ad Att.*, ii, 1. [20] *Ibid.*, xii, 3.

loes not require my services till January 1, whereas we mean-vhile shall learn his disposition before December 13 in the case of Casca." [21] He cordially assented. Wherefore, so far so good. For the rest you shall have a letter carrier every day, and, as I think, you will have something to write to me every day.

Then, after speaking of pressing financial difficulties connected with the return of Terentia's dower, he thus concludes:

We must come therefore to Rome — however hot the conflagration. For personal insolvency is more discreditable than public disaster. Accordingly, on the other subjects, on which you wrote to me in a most charming style, I was too completely upset to be able to reply in my usual way. Give your mind to enabling me to extricate myself from the anxiety in which I am now. By what measures I am to do so, some ideas do occur to my mind, but I can settle nothing for certain until I have seen you.[22]

Personal insolvency.

As the two friends met at Rome on December 9 the correspondence was in that way interrupted; and, if it was ever renewed, the subsequent letters have been lost. Atticus did everything possible for Cicero but perish with him. He escaped from the shipwreck in which his friend went down; and in that way won the praise of his indulgent biographer, Cornelius Nepos, who says:

Atticus survived the shipwreck.

If we overwhelm with praises the pilot who saves his vessel from the rocks and tempests, ought we not to consider admirable the prudence of a man who, in the midst of those violent political storms, succeeded in saving himself? [23]

Atticus, with his genius for friendship, promptly became the friend of those who had proscribed the orator himself. The friend of Brutus and the confidant of

[21] One of the assassins, and a tribune-elect who was to come into office December 10.

[22] *Ad Att.*, xvi, 15.

[23] Nepos, *Vit. Att.*, 10.

Cicero quickly became the familiar of Antony and Octavian, frequented their houses, and attended their fetes.[24]

Tiro, the orator's right-hand man.

It is impossible to think or speak of the correspondence in question apart from Tiro, the faithful slave, secretary and shorthand writer, who did so much to create it and everything to preserve it. As the entire fabric of society in the ancient world was based on slavery, it is at once interesting and instructive to observe the tender and intimate relations existing between Cicero and Tiro, who was probably born a slave in the family in which he became such an important factor. Becoming attached to him in his youth, his master took a personal interest in his education, thus preparing him for the part he was to play in the house as the regulator of its order and economy, as the confidential director of its finances, as the supervisor of the accounts of the sometimes inaccurate steward Eros, and as the negotiator of loans with the bankers who upheld the master's credit at critical moments. He was also charged with the supervision of the gardens, of all building operations, and even with the delicate task of sending out dinner invitations in such a way as to assemble congenial guests, ever mindful of the fact that "Tertia will not come if Publius is invited."[25]

Director of the household economy.

"Tertia will not come if Publius is invited."

Shorthand writer and collaborator.

It was, however, as Cicero's private secretary, as his shorthand writer,[26] as the decipherer of his master's scribbling,[27] which other copyists could not read, that Tiro was invaluable. Nay, more, it is plain that this

[24] The thrifty Atticus married his daughter to Agrippa, and thus became the grandfather of the Roman empress, Vipsania Agrippina, the consort of Tiberius.

[25] *Ad Fam.*, xvi, 22. Tertia was wife of Cassius and sister of Brutus. Who Publius was we do not know.

[26] *Ad Att.*, xiii, 25.

[27] *Ad Fam.*, xvi, 21.

confidential man of all work was at times a collaborator. Aulus Gellius says that he aided his master in the composition of his works;[28] and in a letter to Tiro, ill at the time, Cicero says:

> My poor studies, or rather ours, have been in a very bad way owing to your absence. However, they have looked up a little owing to this letter from you brought by Acastus. Pompey is staying with me at the moment of writing this, and seems to be cheerful and enjoying himself. He asks me to read him something of ours, but I told him that without you the oracle was dumb. Pray prepare to renew your services to our muses.[29]

In another, written on his journey homeward from Cilicia, he says:

A tender letter from Cicero.

> I do beg you, my dear Tiro, not to spare any expense in anything whatever necessary for your health. I have written to Curio to honor your draft to any amount; something, I thought, ought to be paid to the doctor himself to make him more zealous. Your services to me are past counting at home, in the Forum, at Rome, in my province, in private and public business, in my literary studies and compositions. But there is one service you can render me that will surpass them all — gratify my hopes by appearing before me well and strong! I think, if you are recovered, you will have a most charming voyage home with the quaestor Mescinius. He is not without culture, and is, I thought, attached to you. And while health should be your first and most careful consideration, consider also how to secure a safe voyage, dear Tiro. I would not have you hurry yourself now in any way whatever. I care for nothing but your safety. Be assured, dear Tiro, that no one loves me without loving you; and, though it is you and I who are directly concerned in your recovery, yet it is an object of anxiety to many.[30]

Tiro was certainly beloved in the same way by the whole family, because, when he was remiss in correspondence, Quintus writes:

[28] A. Gell., vii, 3. [29] *Ad Fam.*, xvi, 21. [30] *Ibid.*, xvi, 4.

From Quintus.

I have chastised you, at least with the silent reproach of my thoughts, for this is the second packet that has arrived without a letter from you. You cannot escape the penalty for this crime by your own advocacy; you will have to call Marcus to your aid and do not be too sure that even he, though he should compose a speech after long study and a great expenditure of midnight oil would be able to establish your innocence. In plain terms, I beg you to do as I remember my mother used to do. It was her custom to put a seal on wine-jars even when empty to prevent any being labeled empty that had been surreptitiously drained. In the same way I beg you, even if you have nothing to write about to write all the same, lest you be thought to have sought a cover for idleness; for I always find the news in your letters trustworthy and welcome. Love me, and good-bye.[31]

From Marcus the younger.

Marcus the younger was equally affectionate. After Tiro had purchased a farm, no doubt from his master's bounty, the son wrote a playful letter in which he says

You are a man of property! You will have to give up your fine city ways. You have become a Roman country-gentleman. I see you as large as life, and with very charming look, buying things for the farm, talking to your bailiff, and keeping the seeds you have saved from the dessert in the corner of your cloak. But as to the matter of money, I am sorry as you that I was not on the spot to help you. But do not doubt, my dear Tiro, of my assisting you in the future, if time does but stand by me; especially as I know that this estate has been purchased for our joint advantage.[32]

Tiro, inventor of shorthand.

There can be no doubt that Tiro was the master, possibly the inventor, of a system of shorthand which enabled him to take down Cicero's dictation with all necessary rapidity. In the letter to Atticus in which he describes the painful labor imposed upon him by the composition of the *Academica,* Cicero says:

"Takes down whole periods at a breath."

May I be hanged if I ever take so much trouble again about anything! Consequently I did not dictate it even to Tiro, who

[31] *Ad Fam.*, xvi, 26. [32] *Ibid.*, xvi, 21.

usually takes down whole periods at a breath, but syllable by syllable to Spintharus.[33]

There was no lack upon the part of Tiro's shorthand; the difficulty was with the subject, which was so complicated as to require dictation to the longhand writer Spintharus, "syllable by syllable." In a very long letter written to Quintus, while he was in Britain, Cicero says:

> Thus, to explain its being in another handwriting, I *dictated to Tiro* while at dinner.[34]

In another to Atticus he says:

> However, we came at last to the subject of Quintus [the younger]. He [Dolabella] told me many things beyond words — beyond expression; but there was one of such a kind that, had it not been notorious to the whole army, I should not have ventured, I don't say *to dictate to Tiro,* but even to write it with my own hand.[35]

Thompson on the *Notae Tironianae.*

From Sir Edward Maunde Thompson we have the last word on this interesting subject:

> According to Suetonius the first introduction of shorthand signs or *notae* was due to Ennius; but more generally Cicero's freedman, M. Tullius Tiro, is regarded as the author of these symbols, which commonly bear the title of *Notae Tironianae.* The Tironian notes belonged to a system which was actually tachygraphic; that is, each word was represented by a character, alphabetic in origin, but having an ideographic value. The notes, as we have them, have come down to us in a mediaeval dress, and are probably amplified from their shapes of early times with various diacritical additions which attached to them after the practice of the system had died out, and when the study of them had become an antiquarian pursuit, demanding a more exact formation of the symbols and their variants than was possible or neces-

In a mediaeval dress.

[33] *Ad Att.,* xiii, 25: "Ergo ne Tironi quidem dictavi, qui totas περιοχάς persequi solet, sed Spintharo syllabatim." — Letter no. 642 in Tyrrell.

[34] *Ad Quint. Frat.,* iii, 1.

[35] *Ad Att.,* xiii, 9.

sary to a shorthand writer familiar with the system and writing at full speed. Such a system of shorthand, expressing words by comprehensive symbols or word-outlines, could be the only system possible for rapid reporting of human speech. But it seems that in instances where a symbol was not forthcoming to express an unusual word, such as a proper name, it was customary, at least in the written notes which have survived, to express it by a group of syllabic signs. A reporter, taking down a speech, could not have waited to express the unusual word or proper name by such a slow process; and no doubt in actual practice he would, in such an emergency, have invented on the spur of the moment such conventional sign which he would remember how to expand afterwards. But in the mediaeval inscriptions written in Tironian notes a syllabic system was made use of in such cases; and hence arose variations in different countries in the syllabic method of expressing words.[36]

Group of syllabic signs.

Another high authority says:

It is well known that the Romans under the Empire were acquainted with a species of shorthand writing so as to be able to take down fully and correctly the words of public speakers, however rapid their enunciation (Martial, *Ep.* xix, 202; Manil., *Astron.*, iv, 197; Senec., *Epist.*, 90). From a notice in the Eusebian chronicle, taken in combination with some observations in the *Origines* of Isodorus (i, 21), it has been inferred that Tiro was the inventor of the art.

While it is impossible to fix exactly the date of his manumission, we know that Tiro then assumed the name of Marcus Tullius, according to the custom in such cases. In the letter written by Quintus to his brother, congratulating him on the act of manumission, he says:

Manumission of Tiro, who assumed the name of Marcus Tullius.

I am delighted about Tiro. He was much too good for his position, and I am truly glad that you preferred that he should be our freedman and friend rather than our slave. Believe me, when I read your letter and his I jumped for joy, and I both

[36] See article on "Shorthand" in *Enc. Brit.*, 11th ed., vol. xxiv, p. 1008.

thank and congratulate you: for if the fidelity and good character of my own Statius is a delight to me, how much more valuable must those same qualities be in your man, since there is added to them knowledge of literature, conversational powers, and culture, which have advantages even over those useful virtues.[37]

Manumission of Statius by Quintus.

About this time it was that Quintus manumitted his confidential servant, Statius, who seems to have had such undue influence in his household as to excite hostile comment, not only from his jealous wife Pomponia,[38] but from his brother Marcus, who, referring specially to Statius' undue influence while his brother was governor of Asia, wrote:

> But it used to annoy me most when I was told that he had greater influence with you than your sober time of life and the wisdom of a governor permitted. How many people, do you suppose, have solicited me to give them a letter of introduction to Statius? How often, do you suppose, has he himself, while talking without reserve to me, made such observations as "I never approved of that," "I told him so," "I tried to persuade him," "I warned him not to"? And even if these things show the highest fidelity, as I believe they do, since that is your judgment, yet the mere appearance of a freedman or slave enjoying such influence cannot but lower your dignity; and the long and short of it is — for I am in duty bound not to say anything without good grounds, nor to keep back anything from motives of policy — that Statius has supplied all the material for gossip of those who wished to decry you; that formerly all that could be made out was that certain persons were angry at your strictness; but that after his manumission the angry had something to talk about.[39]

Tiro as Cicero's literary executor.

Instead of troublesome presumption, Tiro was full of solicitude for the welfare of his patron and benefactor

[37] *Ad Fam.*, xvi, 16.

[38] For Cicero's amusing account of his brother's family, see *Ad Att.*, v, 1, 3. After praising the amiability of his brother Quintus, he gives Atticus to understand that his sister, Pomponia, is a heartless shrew.

[39] *Ad Quint. Frat.*, i, 2.

during life, and for his fame after death. Scenting the battle from afar, Cicero wrote to him in July, 45 B.C.:

> I see what you are about: you want your letters also to be collected into books. But look here! You set up to be a standard of correctness in my writings — how came you to use such an unauthorized expression as "by faithfully devoting myself to my health"? How does *fideliter* come in there?[40]

Just a year later he wrote to Atticus:

> There is no collection of my letters in existence; but Tiro has something like seventy. Moreover there are some to be got from you. I ought to look through and correct them. They shall not be published until I have done so.[41]

Cicero had some time before drawn the distinction between those letters written spontaneously with no view to publication, and those careful compositions which were to appear as essays, when in a letter to Trebonius, then in Spain, he said: "For I write in one style what I expect that only the persons addressed, in another what I expect that many, will read."[42] It is fortunate that Cicero's plan of revision was never carried out; it is more fortunate that Tiro, despite his feeble health, lived until he was more than a hundred years old, devoting the remainder of that long life to the labor of love involved in the task of collecting and publishing the works of the illustrious friend with whose name his own will always be connected.[43] Through his efforts were preserved, in all their natural beauty and freshness, not only the seventy letters which his patron said were in his possession

Devoted remainder of a very long life to his task.

[40] *Ad Fam.*, xvi, 17.

[41] *Ad Att.*, xvi, 5.

[42] *Ad Fam.*, xv, 21.

[43] Quintilian (at the end of bk. x) observes of the notebooks left behind by Cicero, "Nam Ciceronis ad praesens modo tempus aptatos libertus Tiro contraxit; quos non ideo excuso, quia non probem, sed ut sint magis admirabiles."

but the entire correspondence as it now exists. In addition to his biography of Cicero, he brought out his unpublished works, including his smallest notes and witticisms, of which it is said he made too large a collection, and several editions of his speeches, still consulted in the time of Aulus Gellius.

Miscellaneous works, *Oeconomica ex Xenophonte.*

First among Cicero's miscellaneous works should be mentioned the *Oeconomica ex Xenophonte,* produced when he was about twenty-one years of age, of which he says in the *De Officiis,* after speaking of health and wealth:

> These matters Xenophon, the Socratic philosopher, has discussed very completely in that book which is entitled *Oeconomicus,* which I, when I was about that age at which you now are, translated from the Greek into Latin,[44]

no doubt as an exercise in Latin expression. It was divided into three books, the first relating to the duties of a mistress of a household at home; the second to the duties of the master of a household out of doors; while the third and most important, no doubt, was devoted to the subject of agriculture. The arguments have been preserved by Servius; and the most important fragments of this work, considered as notable by Saint Jerome as late as 380 A.D., are contained in the eleventh and twelfth books of Columella which, with those derived from other sources, are to be found in Orelli's *Cicero,* vol. iv, pt. 2, p. 472.

De Consiliis suis. De Consulatu.

Only a few sentences remain of a monograph bearing some such title as *De Consiliis suis,* which was published, as we learn from Asconius and St. Augustine, in justification of Cicero's policy when his election to the consulship was threatened by the intrigues of Crassus and

[44] *De Off.,* ii, 24.

Caesar (Ascon. *ad. Orat. in Tog Cand.;* Augustine, c. *Julian. Pelag.,* v. 5; Fronto, *Exc. Elocut.*). His only purely historical work was a commentary on his own consulship, written in Greek and completed before the month of June, 60 B.C., of which he says in a letter to Atticus, who was to be the publisher:

> This, as you tell me in another letter, you glanced over at Corcyra, and afterwards I suppose received it from Cossinius. I should not have ventured to send it to you until I had slowly and fastidiously revised it. . . . . Pray, if you like the book, see to there being copies at Athens and other Greek towns; for it may possibly throw some lustre on my actions. As for my poor speeches, I will send you both those you ask for and some more also, since what I write to satisfy the studious youth finds favor, it seems, with you also.[45]

While this Greek prose composition has been entirely lost, a fragment, consisting of seventy-eight hexameters written soon after as a Latin poem on the same subject, is quoted in the *De Divinatione* (i, 11-13). Only a few words remain of the panegyric upon Cato, composed after his death at Utica in 46 B.C., to which Caesar replied in the monograph entitled *Anticato.* (Gell., xiii, 19; Macrob., vi, 2). In a letter to Atticus he says:

Panegyrics on Cato and Portia.

> What the nature of Caesar's invective in answer to my panegyric is likely to be, I have seen clearly from the book, which Hirtius has sent me, in which he collects Cato's faults, but combined with very warm praise of myself. Accordingly, I have sent the book to Musca with directions to give it to your copyists, as I wish it to be made public. To facilitate that please give orders to your men. I often try my hand at an "essay of advice." [46]

That "advice" was to be directed to Caesar, on the re-establishment of the constitution, after the manner of the treatise addressed by Aristotle to Alexander περὶ

[45] *Ad Att.,* ii, 1. [46] *Ibid.,* xii, 40. See also *Ad Att.,* xii, 4.

βασιλείας. We know from letters to Atticus[47] that he wrote a funeral oration on Cato's sister, Portia, the wife of Domitius Ahenobarbus, and aunt to Brutus' wife Portia.

Poetical works.

Cicero's poetical works, most of which belong to his earlier years, when considered, as they should be, as exercises undertaken for amusement or improvement, bring no discredit upon his poetical taste, which was certainly sharpened by his studies under Archias. *Arati Phaenomena* and *Arati Prognostica* were certainly juvenile efforts, although subsequently corrected and embellished. Of the former about five hundred hexameter lines, nearly all of which are continuous, and of the latter twenty-seven only, remain. Of Aratus, the Stoic poet of Soli in Cilicia, largely used by Virgil in his *Georgics,* who wrote epics on the heavens without any knowledge of astronomy,[48] we read in the *De Natura Deorum:*

Aratus, Stoic poet of Soli.

> I will say here, says Balbus, looking at me, make use of the verses which, when you were young you translated from Aratus, and which, because they are in Latin, gave me so much delight that I have many of them still in my memory.[49]

Translations from Homer.

Of Cicero's translations from Homer, specially mentioned in the *De Finibus* (v, 18), specimens, amounting in all to forty-four hexameters, may be found in the *De Divinatione,* ii, 30; *Tusculanae Disputationes,* iii, 26, 9; and St. Augustine, *De Civ. Dei,* v. 8. For the poetical and other fragments of Cicero, in their best form, with explanatory notes, see volume four of Orelli.

[47] *Ad Att.,* xiii, 37, 48.

[48] Cf. *Phaenomena,* ed. E. Maass, 1893; *Comm. in Aratum reliquiae,* coll. E. Maass, 1898. St. Paul in his speech upon Mars Hill accepts a verse from Aratus as a text upon which to proclaim the fatherhood of God: "For we are also his offspring" (Acts xvii, 28). See Arnold, *Roman Stoicism,* p. 409.

[49] *De Nat. Deor.,* ii, 41.

CHAPTER XV

AN APPRECIATION OF CICERO

A turning-point in the world's history.

FROM what has now been said it appears that at a turning-point in the world's history Marcus Tullius Cicero, the brilliant and precocious son of a Roman country gentleman, passed at an early age from his cradle spot in the Volscian mountains into the city-state of Rome, at a time when its rapid increase in wealth, after the conquest of the Mediterranean basin, had brought about a condition of political degeneration, of moral and social decadence, emphasized by a declining birth-rate and by a military incapacity that became more marked as its power was extended over subject peoples.

Rome was at that moment upon the eve of a tremendous transition. An ancient republic that had bartered away its freedom for dominion was soon to be transformed into an empire; the ancient and exhausted paganism was soon to give way before the triumphant march of the Christian church. Forty-three years after the death of Cicero, Christ came into the world; and, about thirty years after the death of Christ, St. Paul, a prisoner in chains, who had barely escaped shipwreck, landed on the west coast of Italy near Cicero's country seat at Puteoli, where he met brethren[1] who promptly informed

Cicero and St. Paul.

[1] "13. From thence, compassing by the shore, we came to Rhegium: and after one day, the south wind blowing, we came the second day to Puteoli;

"14. Where, finding brethren, we were desired to tarry with them seven days; and so we went to Rome." — *Acts* xxviii. The Italian Christians had long been looking for a visit from the famous Apostle, though they did not expect to see him arrive thus a prisoner in chains, hardly saved from shipwreck. Cf. Conybeare and Howson, *The Life and Epistles of St. Paul*, p. 725.

he Christians at Rome that the long-expected Apostle of the Gentiles was among them.

The *avant-coureur* of the great political transition in question was Sulla —

> . . . a type of statesman new to the history of Rome, a type which contemporaries regarded as the personal creation of Sulla, but which was in reality simply the inevitable offspring of the commercial era and of democracy as it was understood in the ancient world — the type of the military chief at the head of a devoted army which he controls by his money and by the sword.[2]

A type of statesman new to history of Rome.

The fact has heretofore been emphasized that after Sulla had passed away that new type of a statesman was reproduced in a more perfect form in Pompey, and after he had passed away, in a still more perfect form in Caesar. The entire public life of Cicero, as advocate, statesman, and philosopher, was passed in a vain effort to revive the ancient republican constitution, and ancient political and moral ideals, after their overthrow by the new imperial system represented by Sulla, Pompey, and Caesar had become inevitable.

Italian or Social War.

After thorough training by the best masters in all the prevailing forms of Greek culture, the youthful advocate, upon the threshold of his forensic career, had his hopes blighted for the moment by the terrible Italian war which swept the more important advocates into the army, and closed all the courts except the Commission for High Treason. During the next year it was, the year of Sulla's first consulship (88 B.C.), that the Italian or Social War was transformed into a Civil War in which for the first time Roman armies were opposed to each other on the battlefield, the leaders of the vanquished party being executed and their heads exposed on the

[2] See above, p. 188.

Rostra as those of enemies of the state. The midnight did not begin to break until the return from the East in 83 B.C. of Sulla who, after a winter passed in Campania, pressed forward to Rome, overthrowing the younger Marius in 82 B.C., and entering the city without further opposition.

At twenty-five Cicero began his forensic career.

It was under the Sullan régime, after the courts had been reopened, with certain serious changes of organization as to criminal jurisdiction, that Cicero, then in his twenty-fifth year, began his forensic career.

His entry into politics.

When at the age of thirty-six the rising orator, through his triumph in the case of Verres, won the leadership of the Roman bar, with his rival Hortensius humbled in the dust, he announced his entry into politics by declaring that he would no longer appear as a prosecutor.

With that announcement Cicero's career as a statesman, in the largest sense of that term, really begins. Like his great fellow-townsman Marius he was a self-made man. Despised by the Roman aristocracy as a *peregrinus*, and unpopular with the Roman populace, he was the trusted leader of the Italian middle class, designated by him as "the true Roman people." Opposed alike to socialistic dreams and aristocratic exclusiveness, he stood with them for the ancient simplicity of life as against the splendid luxury of the capital.

Leader of the Italian middle class.

It was his influence with the middle class that won his elections to the offices of quaestor, aedile, praetor, and consul, at the earliest ages at which it was possible to hold them; it was their voice that insisted in 58 B.C. upon his recall from exile; it was his power over them that made Caesar eager to win him over in 49 B.C.[3]

The first crucial test to which Cicero was subjected a

[3] See above, p. 218.

a statesman arose out of the duty that devolved upon him as consul to crush a conspiracy that found ardent supporters among the dissipated youth and decadent aristocracy of Rome, among the poor in all parts of Italy, and even among the middle class of well-to-do proprietors, whom the passion for speculation had driven into debt — a conspiracy involving a revolutionary propaganda that moved society to its depths.

Conspiracy of Catiline.

The leader of that conspiracy was Lucius Sergius Catiline, a brawny young giant, descended from one of the oldest and proudest of the patrician families, who, after his second defeat for the consulship in 63 B.C., resolved upon a *coup d'état,* involving the assassination of Cicero and the forcible seizure of his office, to be carried out amid an insurrection of the slaves and a conflagration of the city itself. The peril could not have been more grave — the consummate courage and art by which it was averted could not have been more complete.

After purchasing the neutrality of his colleague Antonius through a transfer to him of his province of Macedonia, Cicero, as the single guardian of the life of the state, played the game with such boldness and craft that Catiline was driven from Rome without bloodshed, leaving behind him a headless and irresolute group who planned their own destruction when they approached the Allobrogian envoys who were asked to aid the revolutionary forces by kindling the flames of war beyond the Alps. The masterful criminal lawyer surpassed himself by the boldness, the rapidity, the finesse, with which he drew the bungling conspirators into his net; the resolute statesman overstepped no doubt the bounds of legality when he induced the Senate to exceed its jurisdiction in

Cicero's conduct.

condemning them, without a trial, to an ignominious death.

While in his first great moment of dreadful responsibility Cicero, in his eagerness to save the life of the state, may have disregarded the highest guaranty of the ancient constitution, an act that drew after it the gravest personal consequences, there is no room for doubt that as the sole and only responsible head of the state he acted with an unselfish fearlessness, a rare tact and decisiveness whose complete success left nothing to be desired. His conduct was so regarded at the time by those who witnessed it. As he tells us near the close of the Fourth Catilinarian:

How estimated at the time.

> Such glory during life as you have honored me with by your decrees no one has ever attained to. For you have passed votes of congratulation to others for having governed the Republic successfully, but to me alone for having saved it.[4]

The second notable adversary with whom Cicero was called upon to deal as a public man was, in a certain sense, as formidable as the first. The aristocrat Publius Clodius, while no doubt a degenerate, was the brother-in-law of Lucullus, the instrument of Pompey, the electoral agent of Caesar, and a most dexterous leader of the Roman mob, more frightful than our own, because drawn from lower and more formidable elements. In the very midst of the Catiline menace occurred the Bona Dea scandal in which Clodius and Caesar's wife, Pompeia, were so deeply involved.

Clodius as leader of the Roman mob.

Bona Dea scandal.

No matter whether Cicero was drawn into the position of a voluntary witness against Clodius in order to quiet the suspicions of the jealous and shrewish Terentia as to Clodia, the fact remains that from that time the bold and all-powerful demagogue became his enemy and re-

[4] IV Phil., 10.

solved to wreck him, with the tacit consent of his rivals, upon the ostensible plea that as consul he had unlawfully executed the associates of Catiline.

His wailings in adversity.

There are those who attempt to belittle Cicero, claiming, and no doubt justly, that in the midst of a calamity so sudden and so withering as his exile, he did not conduct himself with that calm resolution and patient fortitude which should have been exhibited by a really great character even under such circumstances. How the fallen idol poured out his lamentations has been fully explained heretofore.

To Quintus he wrote:

> I was unwilling to be seen by you. For you would not have seen your brother — not him whom you had quitted; not him whom you have known; not him whom you left in tears at your departure, when you were yourself in tears — not even a trace of him — not a shadow, but the image of a breathing corpse![5]

By such outbursts of grief and despair did the exiled statesman, the spoiled child of fame and fortune, do more than prove to the world that Seneca was right when he said: "There is no one more unfortunate than the man who has never been unfortunate, for it has never been in his power to try himself."[6] Does the fact that Napoleon was not always heroic during his exile at St. Helena, does the fact that his cruel captivity was punctuated by petty, spiteful quarrels with Sir Hudson Lowe, destroy the glory won at Marengo, Austerlitz, Jena, Friedland, Borodino, and the Pyramids? The French never attribute courage to any man as a never-failing quality. They say he was brave today, and may be brave tomorrow. And so nothing is more unjust, more illogical, than that kind of criticism which attempts to rob great

The true test of courage.

[5] *Ad Quint. Frat.*, i, 3. [6] *De Provid.*, iii.

men of the praise due for heroic deeds performed on supreme occasions by a recitation of the fact that under commonplace and vexing conditions they yielded to infirmities indigenous in human nature.

Judgments of contemporaries.

Posterity should never ignore the judgments passed upon a man's acts by his contemporaries present when they occurred. Certainly the Romans, who forced Cicero's recall and greeted him upon his return from exile with such an ovation as no other man ever received, could not have thought ill of his conduct in the hour of adversity. The twenty-four days consumed on the journey from Brundusium to Rome was a triumphal procession; even Plutarch says it was no exaggeration, yea less than the truth, when Cicero declared that he was carried back to Rome on the shoulders of Italy. No matter how vain, how impatient, how irresolute, how despairing the emotional nature of Cicero may have been on ordinary occasions, a careful study of his acts sustains the assertion that never on a great one did he falter.

Cicero never faltered on a great occasion.

When the supreme moment arrived, when the rich and powerful Verres was to be scourged and driven out in defiance of his august retainers; when the life of the state was to be defended against such desperate and resourceful warriors as Catiline and Marc Antony, his imperious personal leadership, his unselfish courage were always unfailing even unto death. When the time came for him to follow Pompey, knowing as he did that Pompey was doomed, he did not falter because both honor and duty made the path plain for him.

The final test of Cicero's courage and patriotism came during the fateful year and eight months that intervened between the assassination of Caesar by the tyrannicides and his own assassination at the hands of the Imperialists

—the interval occupied by the duel to the death with Antony, who quickly resolved to seize the purple of his fallen benefactor and to make himself his heir. Such was his deliberate purpose from the day he conducted the funeral of the regent, whose body was brought from his palace, where it had been lying since the assassination, down to the Forum and placed upon the Rostra with the blood-soaked toga still wrapped about it. After he, by his consummate art and eloquence inherited from a famous father, had driven from Rome those who had planned and executed the assassination of Caesar, but one real gladiator remained in the arena, a gladiator who resolved to defend alone the fallen Republic in its death agony and to go down with it into the grave.

Duel to the death with Antony.

His position at this juncture was at once unique and imposing. Nearly all of the great actors contemporary with him had passed from the stage, many of them to bloody graves. His commanding intellect and reputation qualified him in a peculiar way for the unofficial leadership the Roman Senate and people were soon to thrust upon him. Public opinion among the Romans in Italy never wavered in its devotion to the republican cause until put down by armed force.

The moment Antony threw off the mask and ceased to dissemble, Cicero was ready with the First Philippic, a grave, dignified, self-restrained criticism of Caesar's acts and Antony's policy, without being a declaration of war. And yet he had said enough against the consul to settle the fact that he left the Senate his declared enemy. The most important asset Caesar had left behind him, from a political point of view, was represented by the thirty-six legions to whose training as fightng machines he had devoted the best energies of his life. It is not

First Philippic.

The struggle for the legions.

therefore strange that when Antony appropriated the inheritance of Octavian, and attempted to treat him with contempt, the real heir, who had just completed his nineteenth year, after allying himself with the republicans, prompted his agents to incite the legions at Brundusium to abandon Antony, while he himself appealed to Caesar's veterans settled on their lands in Campania to come to his standard.

Center of gravity of the state had shifted.

No matter what Cicero, Antony, or Octavian might say, the event depended upon what the heaviest battalions resolved to do. Thus the center of gravity of the state had shifted. Under the old constitution those who aspired to supreme power at Rome asked it at the hands of the citizens assembled in the Forum or Campus Martius; under the new Caesarian system such power had to be sought in the camps of the veteran legions.

With a perfect appreciation of the political value of the legions, Antony resolved to take from Decimus Brutus his command in Cisalpine Gaul, given him by Caesar and confirmed by the Senate after his death. With that all-important post, backed by a strong military force, the consul believed that he would have at his mercy not only the capital but the wide plains of the region now known as modern Lombardy.

Siege of Mutina.

After Decimus had rejected that aggression as unconstitutional, he awaited an attack behind the powerful walls of the fortress of Mutina, where he was besieged by Antony until the following April. There the last stand was made for the Roman Republic; there the veteran legions completed the transfer of the sovereign power to the new military monarchy. And yet when the siege of Mutina began it seemed to be certain that the Caesarians could be overthrown and the Republic

reëstablished, if only a leader could be found equal to the emergency.

There was but one leader possible, a man then sixty-two years old, who was more capable of wielding the pen than the sword. As the life and soul of the opposition to Antony, he had become the spokesman of those who called themselves, as Appian tells us, Ciceronians — those who still clung to the traditions of the Republic and to the principles of the ancient constitution. The decisive hour of his life had arrived. Under such conditions would the conqueror of Catiline attempt to save the Republic a second time? On the morning of December 20, he took the decisive step by assuming the leadership in a spirit of self-sacrifice, and with a boldness and defiance that indicated that he had burned all bridges behind him.

Shortly after the beginning of the new year, 43 B.C., realizing that the republican cause could only be advanced by revolutionary methods, Cicero met the situation by the furious assault upon Antony contained in the Fifth Philippic, pointed with the intimation that his ulterior object was to capture Transalpine Gaul so as to be able to return with sufficient forces to enable him to seize the capital. At that critical moment of waiting, which may be considered the prologue to the civil war soon to begin in the valley of the Po, Cicero, imbued with the belief that he was the parliamentary champion of the constitution, became, in fact if not in law, the head of the senatorial government of the Republic. "He was, in fact, prime minister of Rome,"[7] and as such he was forced not only to discharge the duties of many of the missing officers of state, but to breathe into the weak and waver-

Cicero prime minister of Rome.

[7] See above, p. 292.

ing a fiery enthusiasm and force such as he had scarcely possessed in his earlier years.

As the inflexible leader, who stood alone with a whole-hearted desire for war, he said:

> What a responsibility it is to support worthily the character of a chief of the Roman Commonwealth; those who bear it should shrink from offending not only the minds but the eyes of their fellow citizens.[8]

Less than six months intervened between the glorious April 19, when the people, after the arrival of bulletins announcing victory in the first battle of Mutina, escorted Cicero in triumph to the Capitol and back again, and the day on which the Caesarian triumvirate condemned him unheard to a traitor's death. During the interval he led with all the heroism of despair a forlorn hope beset by conditions that made success impossible. The nature of those conditions revealed themselves in the moment of victory that followed the second battle of Mutina, when Octavian failed to join Decimus Brutus in the pursuit and destruction of Antony. In the graphic words of Decimus: "I cannot command Caesar, and Caesar cannot command his troops. These are both very ugly facts."[9] The builders of the new military Empire had no idea of immolating themselves on the grave of the dead Republic.

Why success was impossible.

Reason given by Decimus Brutus.

As the Caesarian mania grew, the legions, believing that their interests would be best promoted by a military monarchy, drew together in a coalition whose primary purpose was a campaign of revenge against those who had so cruelly arrested its growth. In that campaign of revenge Cicero perished after he had been surrendered to the executioners by Octavian, who had called him

[8] VIII Phil., x.

[9] *Ad Fam.*, xi, 9.

"father." Declining both exile and suicide, the sole surviving defender of the ancient constitution met his fate serenely when the time came for him to seal his devotion with his blood.

Cicero as a man of contemplation.

In a very peculiar and emphatic sense the life of Cicero was twofold. Behind the stirring and highly dramatic scenes of the life of the man of action, there was ever flowing like a stream through a shadow land the stronger and deeper life of the man of contemplation, of the philosophic and poetic dreamer whose thoughts were for all time. By the contrast heretofore suggested between a fruit-bearing tree and a thought-bearing man an attempt was made to emphasize the fact that from about his twentieth to his sixty-fourth year Cicero's mind persisted in producing at fairly regular intervals fruits which never dwindled either in quantity or quality. His intellectual output was never more brilliant or more bountiful than during the two years immediately preceding his death. And here special emphasis should be given to the fact that there seems to have been no deliberate design in the direction of authorship. Each of Cicero's productions seems to have been the natural, perhaps the inevitable, outcome of the career of an intensely human and rarely gifted man who was ever applying the fruits of abstract speculation to the practical problems of life at a time when such problems were passing through the crucible of a profound political and spiritual revolution. Each of his works seems to have bloomed naturally out of the special circumstances of the period to which it belongs.

His intellectual fruitfulness.

No deliberate design in the direction of authorship.

Treatises on government and law.

Out of Cicero's practical experience as a statesman grew his works on the science of politics, *i. e.*, on government and law. Elated by the brilliant reception of the *De Oratore,* he began in 54 B.C., when Caesar was pre-

paring for his second invasion of Britain, to work on his comprehensive treatise on the *Commonwealth* known as *De Republica,* a work whose direct and practical purpose was to arouse Roman citizens to the dangers which then threatened destruction to the liberties of their country. In appealing to his countrymen "to rise on stepping-stones of their dead selves to higher things," the inspired patriot did not hesitate to promise that all patriotic and philanthropic statesmen should not only be rewarded on earth by the approval of their own consciences and the applause of all good citizens, but by immortal glory in a realm beyond the grave.

De Republica.

About the year 52 B.C. appeared as a supplement the *De Legibus,* whose relation to the *De Republica* has been described already.

De Legibus.

When due weight is given to the motive that inspired the production of the treatise entitled *De Officiis,* it must be regarded as the conclusion of an appeal for the regeneration of the Roman Republic first made in the *De Republica,* and its supplement, *De Legibus.* Eight years had passed by since the composition of the last named; the tragedy of the ides of March was over; Cicero, weary and disillusioned, had written the Second Philippic but had not published it, when in his lonely villa at Puteoli, he resolved—

De Officiis.

> . . . . to make one more search, as his predecessors had done, for the hidden means of conciliating imperialism with liberty, progress with prosperity, luxury and wealth with social and political discipline, and intellectual culture with morality.[10]

Ignoring the capital advance which Aristotle had made in separating ethics from politics, Cicero, in the three connected compositions in question, acting rather as a

[10] See above, p. 370.

statesman than as a philosopher, employed Stoic ethics, considered as an applied moral science, as a driving power in Roman politics. Who can read the famous trilogy as a connected whole without perceiving a most deliberate and persistent effort upon the part of their author to employ Stoic ethics, as an applied moral science, as the best and only means of regenerating Roman social and political life?

Motive of famous trilogy.

Finally as Cicero ascended towards the zenith of his powers his ripest thoughts were recorded in the more mature works on philosophy and theology which admit us into the penetralia of his mind and soul. No matter whether it be classicist or publicist who attempts to solve the problem of problems involved in his life, no progress will be made unless he is clear-visioned enough to brush aside the thin veil that conceals the fact that when the great orator laid down the dexterous arts of the advocate and assumed the stern moral and patriotic duties of the statesman, he at the same time put aside the quibbling skepticism of the Academy for the lofty precepts of the new world-religion known as Stoicism, by which the philosophers and jurists of Rome became completely enthralled.

Treatises on philosophy and theology.

It is impossible to grasp the real significance of Cicero's intellectual life as a connecting link between the ancient and modern world without a clear comprehension of the fact that "the deeper substratum of his spiritual affinity," which finally enveloped his mind and soul, was Roman Stoicism in its purest and most scientific form.

Stoicism the undertone.

In the analyses heretofore made of the *De Finibus*, treating of the Supreme Good, considered as the essence of practical wisdom, and involving the ultimate foundations of ethics; of the *Tusculan Disputations*, involving

incidental questions concerning ethics; of the *Paradoxa Stoicorum,* a *jeu d'esprit* constructed as a covert attack upon Hortensius, Crassus, and Lucullus; of the *De Senectute,* the most charming, perhaps, of all Cicero's essays on the philosophy of morals; of its sequel, the *De Amicitia;* of the *De Natura Deorum,* a treatise on the philosophy of religion; of its sequel, the *De Divinatione,* a treatise on the mantic art; of the *De Fato,* the last of the series of dissertations on speculative theology, a persistent effort was made to explain how it was that whenever in his later years Cicero spoke seriously as a jurist, statesman, moralist, or theologian, it was to emphasize with all the force in his ardent nature some one of the great principles involved in the Stoic cosmopolis or world-state, ruled by a single God as the source of permanent, uniform, and universal law.

God as the source of permanent, uniform, and universal law.

By that magnificent notion of one supreme God, creating and governing everything through permanent, uniform, and universal law, pantheism was practically annihilated, the swarm of little gods being reduced to mere personifications of physical forces. Armed with that new Stoic conception of a single and law-creating God, and with that logic in which the Stoics were such adepts, Cicero was able to redefine the immortality of the soul and a conscious personal existence after death with a distinctness and convincing power which a dreaming philosopher like Plato, not so armed, had never been able to impart to such thoughts.

Definitions of immortality.

As sidelights to the long procession of Cicero's didactic mental creations we have the fifty-seven immortal orations, and the priceless letters which begin in his thirty-ninth year (68 B.C.) when he was already a man of established reputation, and end with the touching appeal

Orations and letters.

addressed to Cassius, written very early in July, 43 B.C. The entire correspondence, extending over a period of twenty-six years, and embracing nearly a thousand letters, constitutes the most voluminous record that has descended from antiquity of the acts, the thoughts, the feelings of one of the most gifted men who ever lived, while passing through the most momentous events incident to a turning-point in the world's history. A special student of these letters has said:

Moral values as expressed in the letters.

Not only were the times in which Cicero lived focal for history, but they were exceedingly perplexing. Precedents and traditions supplied no solution for problems that were arising — problems of which our author might well say that they were "baffling and insoluble; and yet a solution must be found" (A., 8, 3, 6). The strongest motives usually found coöperating would be directly opposed to each other. These were surely circumstances adapted to stimulate the balancing of values, the examination of the goods in view of which choices are made.[11]

Revelations as to Roman etiquette.

These wonderful compositions, sparkling with wit and written in every style, touch every octave of life and thought from the gravest matters of state down to the trivialities involved in the etiquette of the time.

The letters of Cicero give one the impression that he and his contemporaries had a delicate sense of appreciation of the niceties of courtesy, and that while their standards do not measure up to what the twentieth century would consider correct, there did exist a certain amount of conventional decorum, and a more or less general regard for it in so-called "polite society." [12]

The fragmentary, yet vivid, history thus written of the last days of the Roman Republic, coming as it does from such a pen, is beyond all price. Cornelius Nepos was

[11] See Warren Stone Gordis, *The Estimates of Moral Values Expressed in Cicero's Letters,* University of Chicago Press, p. 7.

[12] See Anna Bertha Miller, *Roman Etiquette of the Late Republic as Revealed by the Correspondence of Cicero,* p. vii, University of Pennsylvania, 1914.

certainly right when he said that he who reads these letters will not be tempted to seek the history of these dramatic times elsewhere.

Cicero's contributions to Roman literature.

As we gaze in wonder upon the mass of recorded thought, formal and informal, which Cicero left behind him, it is impossible not to contrast its richness and volume with the disjointed fragments constituting what was called Latin literature when his youthful studies began. The fact that Ennius and Caius Gracchus held the first places among the Latin classics, studied by the young advocates as models of style, naturally suggests the poverty of Roman letters at that time. The Romans had then no manuals of philosophy or any philosophical writings in Latin apart from the poem of Lucretius and some poor productions by obscure Epicureans. Furthermore Latin was not a philosophical language, nor one in which a deep thinker could express himself with clearness and purity.

In the presence of such conditions Cicero set for himself the task of restating in Latin manuals the entire deposit of philosophic and political thought made by the Grecian with the Roman world. But before that design could be executed it was necessary so to enlarge and enrich

And to the Latin tongue.

the vernacular as to make it capable of the task he was to impose upon it. A philosophical terminology had to be constructed before the new literature could come into being.

> Terence and Lucretius had cultivated simplicity; Cotta, Brutus, and Calvus had attempted strength; but Cicero rather made a language than a style; yet not so much by the invention as by the combination of words. Some terms, indeed, his philosophical subjects obliged him to coin.[13]

[13] Newman, "Cicero," in *Historical Sketches*, vol. i, p. 297.

As the Greek originals on which his philosophical works were based have, for the most part, been lost, it must ever remain a question as to the extent to which he supplemented the old materials by his own speculations. As the genius of the Greeks broke down at the threshhold of law; as jurisprudence is a Roman creation, legal science a Roman invention, it is certainly reasonable to assume that he made decided advances in that domain. It is still more certain that in the domain of speculative theology he advanced far beyond Plato in the definiteness of his conceptions of immortality and a life beyond the grave, not by reason of superior mental acumen, but because he was armed, as Plato could not be, with the new and magnificent Stoic notion of a single God, as the source of permanent, uniform, and universal law of which he was the author, interpreter, and enforcer — the law known as the law of nature. In that way pantheism was wrecked in substance if not in form, and the swarm of little gods reduced either to personifications of certain physical forces in nature, or of certain moral or intellectual qualities in man.

Extent to which he supplemented old materials.

A deliberate effort has been made to demonstrate that the persistency of Cicero's intellectual influence through the centuries has depended largely upon its spiritual and ethical undertone which influenced so profoundly the thought of the early Christian church; that in the years immediately preceding and following the advent of Christianity the works of the brilliant and earnest expounder of Roman stoicism were educating the peoples of the Mediterranean basin up to a point at which they could listen with a better understanding to the teachings of St. Paul.

His influence on the thought of the early Christian church.

The warm embrace naturally given to Cicero by the

Cicero's works in early Christian libraries.

early Christian Fathers secured for his works a prominent place in nearly all of the early Christian libraries. In the list of the library of King Ecgberht, given by Alcuin the librarian, we find "Boethius, Pliny, Aristotle, and Cicero"; in the library of St. Requier there were copies of Homer, Virgil, and Cicero; the abbot Lupus of Terrièrs requests a friend to bring him the *Wars of Catiline and of Jugurtha*, by Sallust, and the *Verrines* of Cicero.

His work on rhetoric *(De Inventione)*, so far from being devoured by the moths, was the very first chosen for translation into Italian prose. It appeared in the vulgar idiom in 1257, the translator being Galeotto, the professor of grammar in the university of Bologna.[14] Long before he could grasp the meaning of classical Latin, Petrarch used to read the prose of Cicero aloud, revelling in the sonorous cadences and balanced periods of the master's style; and as he grew older he did his utmost to collect the manuscripts of Cicero, journeying and sending to remote parts of Europe or wherever he heard that a fragment of his favorite author was to be found.

Cicero, Petrarch's literary idol.

So completely was Cicero Petrarch's literary idol that when strangers crowded around him, asking him what presents they could send him from distant lands, his invariable reply was: "Nothing but the works of Cicero." In speaking of those works he said: "You would fancy sometimes it was not a pagan philosopher, but a Christian apostle, who was speaking." To the Italy of Petrarch we must look for the cradle of the Renaissance. He it was who first taught his countrymen how to study the Latin masters in a humanistic spirit in an age when art was triumphant and when richness of decoration

"Not a pagan philosopher, but a Christian apostle."

[14] Cf. Augusta T. Drane, *Christian Schools and Scholars*, pp. 84, 129, 148, 157.

pomp of phrase, and rhetorical fluency was apt to appeal to the inner spirit of a splendor-loving people. At such a moment when the most distinctive feature of humanistic literature was the creation of a Latin style, the supreme dictatorship was awarded to Virgil in verse, and to Cicero in prose.

Literary dictatorship of Virgil and Cicero.

> The Renaissance found exactly what it wanted in the manner of the most obviously eloquent of Latin authors, himself a rhetorician among philosophers, an orator among statesmen. . . . . Another important branch of literature, modeled upon Ciceronian masterpieces, was letter-writing. . . . . Petrarch, after discovering the familiar letters of the Roman orator, first gave an impulse to that kind of composition.[15]

Something more than a century after Cicero's death a great blast of praise came from a famous rhetorician eminently qualified to pass upon his merits as an orator. Quintilian's great model was Cicero, despite the fact that the reaction against the Ciceronian type of eloquence which had begun in his lifetime had acquired decided strength after his death. Mommsen says:

Quintilian's estimate of Cicero as an orator.

> The Ciceronian manner ruled no doubt throughout a generation on the Roman advocate-world, just as the far worse manner of Hortensius had done; but the most considerable men, such as Caesar, kept themselves always aloof from it, and among the younger generation there arose in all men of fresh and living talent the most decided opposition to that hybrid and feeble rhetoric. They found Cicero's language deficient in precision and chasteness, his jests deficient in liveliness, his arrangement deficient in clearness and articulate division, and above all his whole eloquence wanting in the fire which makes the orator.[16]

Mommsen's view.

From that picture let us turn to Quintilian's comparison between Demosthenes and Cicero so long regarded as a model of critical acuteness and discrimination. He says:

[15] Symonds, *Renaissance in Italy*, vol. ii, p. 528. See also p. 73.

[16] *History of Rome*, Dickson's trans., vol. iv, p. 727, corresponding to vol. iii of the original.

Comparison between Demosthenes and Cicero.

Of their great excellences I consider that most are similar; their method, their order of partition, their manner of preparing the minds of their audience, their mode of proof, and, in a word, everything that depends on invention. In their style of speaking there is some difference; Demosthenes is more compact, Cicero more verbose; Demosthenes argues more closely, Cicero has a wider sweep; Demosthenes always attacks with a sharp-pointed weapon, Cicero often with a weapon both sharp and weighty; from Demosthenes nothing can be taken away, to Cicero nothing can be added; in one there is more study, in the other more nature. In art, certainly, and pathos, two stimulants of the mind which have great influence in oratory, we have the advantages.[17] . . . . We must yield the superiority, however, on one point, that Demosthenes lived before Cicero, and made him, in a great measure, the able orator that he was; for Cicero appears to me, after he devoted himself wholly to imitate the Greeks, to have embodied in his style the energy of Demosthenes, the copiousness of Plato, and the sweetness of Isocrates.[18]

It is certain that when the foremost of Roman orators arose to speak before a popular assembly the personal power he was able to wield was enormous; and it was, no doubt, that sense of marvellous power over the crowds he held spellbound that excited in him the resolve to become the Demosthenes of the Italian democracy.

As the great stone of Cicero's fame as advocate, statesman, and philosopher has rolled on from the past to the present it has crushed more than one opposing pebble in its path. The first conspicuous opponent who lifted his head was Dio Cassius (155-229 A.D.), born something more than a century after Quintilian, an official historian

Dio Cassius.

[17] Quintilian maintains that there are three literary forms in which the Romans can bear comparison with the Greeks: "Satira tota nostra est . . . . elegia Graecos provocamus . . . . non historia cesserit Graecis" (x, 1, 93, 94, 101).

[18] *Inst. orat.*, x, 1, 105. Tacitus (*Dialogus*, 25) says: "Adstrictior Calvus, numerosior Asinius, splendidior Caesar, amarior Caelius, gravior Brutus, vehementior et plenior et valentior Cicero."

of the Empire, exact and minute, but without political capacity, and with a narrow mind full of ridiculous superstitions, a characteristic which he often attributes to his historical personages.

An official historian consumed with hatred of Cicero.

This dull and courtly annalist, who had inherited the traditions of Cicero's enemies, was simply consumed with a morbid hatred of the last and noblest champion of Roman freedom. His malice is robbed, however, of much of its sting by the ridiculous inaccuracy and the bungling voluminousness with which it is expressed, as, for instance, in the twenty-eight chapters[19] occupied by the speech put into the mouth of Fufius Calenus, designed as a sweeping attack upon the career and character of Cicero, and, no doubt, as a counterblast to the Second Philippic. The following extracts illustrate its temper:

Speech put into mouth of Calenus.

> Is not he the one who killed Clodius by the hand of Milo, and slew Caesar by the hand of Brutus? The one who made Catiline hostile to us and despatched Lentulus without a trial? . . . . Who is unaware that you put away your first wife who had borne you two children, and at an advanced age married another, a mere girl, in order that you might pay your debts out of her property? And you did not even retain her, to the end that you might keep Caerellia[20] fearlessly, whom you debauched when she was as much older than yourself as the maiden you married was younger, and to whom you write such letters as a jester at no loss for words would write if he were trying to get up an amour with a woman eventy years old.

[19] Bk. xlvi, 1–28. In the excellent translation of Dio's *Rome* by Herbert aldwin Foster (Troy, N. Y., 1905), the speech in question occupies pp. 9–74 of vol. iii.

[20] A learned lady and a great admirer, who, apart from loaning Cicero oney, devoured his philosophical works. She had a special copy of *e Finibus* made for herself, even before Atticus was ready for publication *Ad Att.*, xiii, 21). She struggled in vain to induce Cicero to take back ublilia (*Ad Att.*, xiv, 19). Sihler (p. 368) has well said: "The scandalous nd silly insinuations made by Antony and his adherents (Dio, 46, 184) ay be thrown into the waste-basket of history without much ado."

Animus of Appian and Dio.

Nothing could be more palpable than the fact that Appian and Dio, Greek historians of the second and third centuries, who were bound by every interest, taste, and prejudice to the new imperial system, were more than willing to revile and misrepresent those who had been the most conspicuous exponents of the fallen Republic.

After the lapse of many centuries the evil spirit of Dio, so redolent of jibes and sneers for the enemies of monarchy, entered into the minds of two modern historians whose assaults upon the fame of Cicero are only worthy of notice by reason of the world-fame of one of them. If it were not for what Mommsen said in 1856, in the third volume of his *History of Rome,* no one would now take the trouble to recall the labored malevolence that inspired Drumann, who undertook, in 1834,[21] with a minuteness and dullness worthy of Dio, and with the inquisitorial spirit of a prosecuting attorney, to formulate charges against the career and character of Cicero based upon the assumption that he was never animated by a single high-minded or disinterested motive in the entire course of his life.[22] In the words of E. Hübner:

Labored malevolence of Drumann.

> In nearly thirteen hundred closely printed pages Drumann has . . . . subjected Cicero's life, acts, and words to a trial which, in inquisitorial harshness, finical casuistry, brutal inconsiderateness, may be recommended to every district attorney as a warning example.[23]

Motive of the attack.

For the motive of such an attack we have only to look to Drumann's preface in order to learn—

[21] W. Drumann, *Gesch. Roms in seinem Uebergange,* etc. 1834 *sqq.,* vol. v (1841), from pp. 216–716, and vol. vi (1844), pp. 1–685, "so wenig er sich sonst scheut, Zweideutigkeiten und Schwächen, ja offenbare Falschheiten auf Ciceros Andenken zu wälzen" (C. F. Hermann). Cf. Gardthausen, *Augustus,* vol. i, p. 77. Sihler, p. 471.

[22] He does, however, acquit him absolutely of all charges involving licentiousness.

[23] "Cicero," *Deutsche Rundschau,* p. 10.

. . . . his personal point of view in a way which would seem to be incredible, had not the Königsberg professor uttered it himself: "Roman history proves that republican forms of government are not permanently suited to mankind such as it is" (p. iv). He believed that the "haven of monarchy" is the normal finality of perfect political development: "Not against my will, but without the same, my work is a eulogy of monarchy," etc. (p. viii). So far as Cicero is concerned, no matter how minute the detail or how petty the circumstance, Drumann, like a retained barrister, strives to present him in an odious light. He is thoroughly partisan, thoroughly unfair, and biased to the point of perversion — actually going so far as to compare Cicero to Robespierre.[24]

In order to make his eulogy of monarchy more impressive, he undertakes to hold up to the contempt of mankind one of the most brilliant and famous of all republicans. An utter lack of the sense of humor did much, however, to render his performance grotesque. The ponderous erudition that enabled this inflexible theorist to give line and verse for all he was pleased to call facts was never able to arouse in him the scruples of Dickens' toymaker who said that, as a builder of Noah's arks, it did hurt his conscience to make "the flies and the elephants all the same size."

The minute and malevolent details thus expanded by Drumann, without vivacity and without perspective, into a volume would never have impressed the world if they had not been so condensed and restated by Mommsen as to convert the picture in which "the audacious figure of the old orator stands out amidst the universal vacillation like a huge erratic boulder in the midst of a plain," into a caricature in which we see only a short-sighted politician, a swaggering egotist, a special-pleader, a weak-

Mommsen's restatement.

[24] Sihler, *Cicero's Second Philippic*, p. xxxiii.

minded sophist and rhetorician beneath our contempt. To employ Mommsen's own words:

A typical extract.

As a statesman without insight, opinion, or purpose, he figured successively as democrat, as aristocrat, and as a tool of the monarchs, and was never more than a short-sighted egotist. Where he exhibited the appearance of action, the questions to which his action applied had, as a rule, just reached their solution; thus he came forward in the trial of Verres against the senatorial *judicia* when they were already set aside; thus he was silent in the discussion on the Gabinian and acted as a champion of the Manilian law; thus he thundered against Catiline when his departure was already settled.[25]

There can be no doubt that the same spirit of hatred against the immortal republican which envenomed Dio and Drumann inspired Mommsen's flagrant misrepresentations even of familiar facts; he was equally eager to assist in the degradation of Cicero because Caesar worship required it.[26] He was even willing to go so far in Caesar's cause as to denounce Pompey as a drill-sergeant and Cato as a semi-lunatic. An acute critic spoke the truth of him when he said:

Influence of Caesar worship.

Here we perceive the same pen that has just written down Cato a Don Quixote and Pompey a corporal. As in his studies of the past he always has the present in mind, one would say that he looks for the squireens of Prussia in the Roman aristocracy, and that in Caesar he salutes in advance that popular despot, whose firm hand can alone give unity to Germany.[27]

The injury has been only to his own reputation. When

[25] *History of Rome,* vol. iv, pp. 724–25 of Dickson's translation, corresponding with vol. iii of the original.

[26] "I have already protested against the outrage which Mommsen has committed on the fair fame of Cicero. Like Marina in *Pericles, Prince of Tyre,* I have spoken holy words to the Lord Lysimachus—I have endeavored to vindicate by arguments the character of one whom I regard as a great and good man." — Tyrrell, *Cicero in His Letters,* pp. xv–xvi.

[27] Boisser, *Cicero and His Friends,* p. 23, Jones' trans.

Mommsen, animated by a political rather than a literary motive, dashed himself against the adamant of Cicero's fame, he suffered just as Sir Walter Scott suffered when, animated by a like motive, he dashed himself against the fame of Napoleon. The effect of the assault of Mommsen upon the political character of Cicero is already a thing of the past. The moral and political epigrams of his first work, written when he was only thirty-seven, never accepted by Merivale, Freeman, Ritschl, L. von Ranke, and Ludwig Lange, have been rejected, generally with great emphasis, by such high authorities as Boissier, Zielinski, Max Schneidewin, Weissenfels, O. E. Schmidt, Herzog, Gardthausen, Forsyth, Tyrrell, and Sihler.[28]

Effect of Mommsen's assault a thing of the past.

[28] Abeken (*Cicero in seinen Briefen,* Hannover, 1835) has treated Cicero fairly and humanely. In awarding praise and blame he has tried to act as a just and discriminating judge.

Tomb of Cicero

Cicero. Uffizi Gallery.

THE SAYINGS OF CICERO

COLLECTED AND ARRANGED FOR THE FIRST TIME AS AN

Anthology

By HANNIS TAYLOR
and
MARY LILLIE TAYLOR HUNT

Roma parentem,
Roma patrem patriae Ciceronem libera dixit.
—JUVENAL, *Satires*, viii, 243.

Rome, free Rome, hailed him with loud acclaim,
The father of his country—glorious name.
—GIFFORD.

Salve primus omnium parens patriae appellate.
—PLINY, *Hist. Nat.* vii, xxxi, 30.

Hail thou, who first among men was called the father of your country.

Et Cicero his, ut opinor, verbis refert, quidquid in eloquentia effecerit, d se non rhetorum officinis, sed Academiae spatiis consecutum.
—TACITUS, *De Orat.*, xxxii.

Our own Cicero tells us too—I think in so many words—that anything ıe accomplished as an orator he owed not to the workshops of the rhetori- ians, but to the spacious precincts of the Academy.

Disertissime Romuli nepotum,
Quot sunt quotque fuere, Marce Tulli,
Quotque post aliis erunt in annis;
Gratias tibi maximas Catullus
Agit, pessimus omnium poeta,
Tanto pessimus omnium poeta
Quanto tu optimus omnium patronus.

—CATULLUS, **xlix.**

Tullius, of all the sons of royal Rome
That are, or have been, or are yet to come,
Most skilled to plead, most learned in debate—
Catullus hails thee, small as thou art great.
Take thou from him his thanks, his fond regards,
The first of patrons from the least of bards.

—J. E. S.

THE SAYINGS OF CICERO

ACADEMICA

Habeo opus magnum in manibus. I, 1.
I have a great work in hand.

Doloris medicinam a philosophia peto. I, 3.
I look to philosophy to provide an antidote to sorrow.

Ob eam rem, se arbitrari, ab Apolline omnium sapientissimum esse dictum, quod haec esset una omnis sapientia, non arbitrari, sese scire, quod nesciat. I, 4.
For this cause he imagined that Socrates was called the wisest of men by Apollo, because all wisdom consists in this, not to think that we know what we do not know.

Non sus Minervam, ut ajunt. I, 4.
The sow should not teach Minerva, according to the proverb.

Quam vim animum esse dicunt mundi, eandemque esse mentem, sapientiamque perfectam, quem deum appellant. I, 7.
This force they call the soul of the world, and, looking on it as perfect in intelligence and wisdom, they call it their God.

Percontando a peritis. II, 1.
Constantly asking questions of experts.

Meo judicio est maxima in sensibus veritas, si et sani sunt, et valentes, et omnia removentur, quae obstant, et impediunt. II, 7.
In my opinion there is the greatest truth in the senses, if they are sound and strong, and if all things are removed which oppose and impede them.

Academica. Multa vident pictores in umbris et in eminentia, qua nos non videmus. II, 7.

Painters see many things in shadows and in projections whic we do not see.

Oculi pictura tenentur, aures cantibus. II, 7.

The eyes are charmed by paintings, the ears by music.

Ratio est quasi quaedam lux, lumenque vitae. II, 8.

Reason is as it were a light to lighten our steps and guide u through the journey of life.

Naturam accusa, quae in profundo veritatem, u ait Democritus, penitus abstruserit. II, 10.

Accuse nature, who has completely hid, as Democritus says truth in the bottom of a well.

Nihil est veritatis luce dulcius. II, 10.

Nothing is more delightful than the light of truth.

Videsne, ut in proverbio sit ovorum inter se similitudo II, 18.

Like as two eggs, according to the proverb.

Ita enim finitima sunt falsa veris ut in praecipiten locum non debeat se sapiens committere. II, 21.

So close does falsehood approach to truth, that the wise ma would do well not to trust himself on the narrow ledge.

Quid enim potest, cum existimet a deo se curari, non e dies et noctes divinum numen horrere? II, 38.

Who is there, when he thinks a god is taking care of him shall not live day and night in awe of his divine majesty?

Est enim animorum, ingeniorumque naturale quoddan quasi pabulum, consideratio, contemplatioque naturae erigimur; latiores fieri videmur; humana despicimus cogitantesque supera, atque coelestia, haec nostra, u

Academica.

xigua, et minima, contemnimus, indagatio ipsa rerum tum naximarum, tum etiam occultissimarum, habet oblectationem. II, 41.

When we are contemplating and pondering on the works of nature, we are supplying, as it were, its natural food to the mind; our thoughts assume a loftier character, and we learn to look down on what is human; while we meditate on the vault of heaven above, our own affairs appear petty and contemptible; our mind derives delight from what is so sublime and inscrutable.

Nam quae voluptate, quasi mercede aliqua, ad officium mpellitur, ea non est virtus, sed fallax imitatio, simulatioque virtutis. II, 46.

It is not virtue, but a deceptive copy and imitation of virtue, when we are led to the performance of duty by pleasure as its recompense.

AD ATTICUM

Ad Atticum.

Homo sine fuco et fallaciis. I, 1.

A man without guile and deceit.

lla concionalis hirudo aerarii, misera ac jejuna plebecula. 16.

The hungry and wretched proletarians, those city leeches that uck dry the public treasury.

n eo neque auctoritate neque gratia pugnat, sed quius Philippus omnia castella expugnari posse dicebat, in uae modo asellus onustus auro posset ascendere. I, 16.

His weapons are neither authority nor popularity, but rather hose referred to in the saying of Philip of Macedon, that no city as impregnable so long as it could be entered by an ass laden with old.

ellum est enim sua nitia nosse. II, 17.

It is a great thing to know our own vices.

Ad Atticum. Sermo in circulis et conviviis est liberior. II, 18.

Conversation in private meetings and dinner parties is more unreserved.

Ubi nihil erit quod scribas id ipsum scribito. IV, 8.

Even if you have nothing to write, write and say so.

Odi hominem et odero; utinam ulcisci possem! Sed illum ulciscentur mores sui. IV, 12.

I hate, and shall continue to hate, the man; would that I could take vengeance on him! But his own shameless manners will be a sufficient punishment.

Clitellae bovi sunt impositae. V, 15.

The pack-saddle has been put on the ox.

Ubi est autem dignitas, nisi ubi honestas? VII, 11.

Where shall we find dignity without honesty?

Tanta malorum impendet Ἰλιάς. VIII, 11.

We are threatened with a whole *Iliad* of misfortunes.

Semper me causae eventorum magis movent, quam ipsa eventa. IX, 5.

The causes of events always excite me more than the events themselves.

Acta ne agamus; reliqua paremus. IX, 6.

Let us not go over the old ground, but rather prepare for what is to come.

Aegroto, dum anima est, spes est. IX, 10.

While there is life, there is hope.

Omne consilium Themistocleum est: existimat enim, qui mare teneat, eum necesse rerum potiri. X, 8.

His plan is evidently that of Themistocles, for he thinks that he who gains the command of the sea must obtain supreme power

In omni vita sua quemque a recta conscientia traversum unguem non oportet discedere. XIII, 20. *Ad Atticum.*

During the whole of our life we ought not to depart a nail's breadth from a pure conscience.

Lupus in fabula. XIII, 33.

The wolf in the fable.

Nemo unquam neque poeta neque orator fuit, qui quemquam meliorem quam se arbitraretur. XIV, 20.

There has never yet been either a poet or an orator who did not consider himself the greatest in the world.

Aliquid crastinus dies ad cogitandum dabit. XV, 8.

Tomorrow will give something as food for thought.

Nemo doctus unquam . . . . mutationem consilii inconstantiam dixit esse. XVI, 7.

No wise man has ever said that change of plan is inconstancy.

AD CORNELIUM NEPOTEM

Felicitas est fortuna, adjutrix consiliorum bonorum; quibus qui non utitur, felix esse nullo pacto potest. Fragment IV. *Ad Cornelium Nepotem.*

Success consists in good fortune, allied to good design; if the latter be wanting, success is altogether impossible.

AD FAMILIARES

Via juris ejusmodi est quibusdam in rebus, ut nihil sit loci gratiae. I, 2. *Ad Familiares.*

The path of law is of such a kind in some things that there is no room for favor.

Cum dignitate otium. I, 9.

Ease with dignity.

Ad Familiares.

Non idem semper dicere, sed idem semper spectare debemus. I, 9.

We are not bound always to hold the same language, but we are bound to be constant in our aims.

Epistolarum genera multa esse non ignoras: sed unum illud certissimum, cujus causâ inventa res ipsa est, ut certiores faceremus absentes, si quid esset, quod eos scire, aut nostra, aut ipsorum interesset. II, 4.

You are aware that there are many kinds of epistolary correspondence, but that alone is the most assured, for the sake of which it was invented — namely, to inform the absent, if there be anything which it is of importance that they should know, either about our affairs or their own.

Grave est enim homini pudenti, petere aliquid magnum ab eo, de quo se bene meritum putet: ne id, quod petat, exigere magis, quam rogare; et in mercedis potius, quam beneficii loco numerare videatur. . . . . Est animi ingenui, cui multum debeas, eidem plurimum velle debere. II, 6.

It is annoying to a modest man to ask anything of value from one on whom he thinks that he has conferred a favor, lest he should seem to demand as a right rather than ask as a favor; and should appear to account it as a remuneration rather than a kindness. It is the feeling of a noble and liberal mind to be willing to owe much to the man to whom you already owe much.

Nemo est qui tibi sapientius suadere possit te ipso: numquam labere, si te audies. II, 7.

Nobody can give you wiser advice than yourself; you will never err if you listen to your own suggestions.

Nihil est, quod studio et benevolentia, vel amore potius, effici non possit. III, 9.

There is nothing which cannot be accomplished by affection and kindliness, or perhaps, I should say, by love.

Quod exemplo fit, id etiam jure fieri putant. IV, 3.

Men think that they may justly do that for which they have a precedent.

Victoriae quae civilibus bellis semper est insolens. IV, 4. *Ad Familiares.*

Spirit of insolence, which victory in all civil wars never fails to inspire.

Nullus dolor est, quem non longinquitas temporis minuat, ac molliat. IV, 5.

There is no grief which time does not lessen and soften.

Neque imitare malos medicos, qui in alienis morbis profitentur tenere se medicinae scientiam, ipsi se curare non possunt. IV, 5.

Do not imitate those unskilful empirics, who pretend to cure other men's disorders, but are unable to find a remedy for their own.

Nos homunculi indignamur, si quis nostrum interiit aut occisus est, quorum vita brevior esse debet, quum

Uno loco tot oppidum cadavera
Projecta jacent?

IV, 5.

What right have we mannikins to be indignant at the death of one among us, either in his bed or on the battlefield, we whose life should of right be shorter, when

The corpses of full many a town
Lie prostrate on one site?

Nullus est locus domesticâ sede jucundior. IV, 8.

There is no place so delightful as one's own fireside.

Tempori cedere, id est necessitati parere, semper sapientis est habitum. IV, 9.

To yield to the times, that is, to obey necessity, has always been regarded as the act of a wise man.

Omnia sunt misera in bellis civilibus . . . . sed miserius nihil, quam ipsa victoria: quae etiamsi ad meliores venit, tamen eos ipsos ferociores, impotentioresque reddit: ut, etiamsi naturâ tales non sint, necessitate esse cogantur; multa enim victori eorum arbitrio, per quos vicit, etiam invito, facienda sunt. IV, 9.

All civil wars are full of numberless calamities, but victory itself is more to be dreaded than anything else. For though it

Ad Familiares.

should decide itself on the side of the more deserving, yet it will be apt to inspire even those with a spirit of insolence and cruelty, and though they be not so by inclination, they at least will be so by necessity. For the conqueror must, in many instances, find himself obliged to submit to the pressure of those who have assisted him in his conquest.

Nunc vero nec locus tibi ullus dulcior esse debet patria nec eam diligere minus debes, quod deformior est, sed misereri potius. IV, 9.

No place should now be sweeter to you than your fatherland nor should you love it less, but rather pity it more, because of its deformities.

Qui semel verecundiae fines transierit, eum bene et naviter oportet esse impudentem. V, 12.

When once a man has overstepped the bounds of modesty he may as well become thoroughly and frankly shameless.

Nihil est enim aptius ad delectationem lectoris, quam temporum varietates, fortunaeque vicissitudines: quae etsi nobis optabiles in experiendo non fuerunt, in legendo tamen erunt jucundae. Habet enim praeteriti doloris secura recordatio delectationem. V, 12.

There is nothing better calculated to delight your reader than the vicissitudes of fortune, and the changes which time brings with it: though, while we experienced them, they have seemed perhaps undesirable, yet we shall find pleasure in reading of them. It is delightful when in smooth water to recall the stormy times that are past.

Laudem sapientiae statuo esse maximam, non aliunde pendere, nec extrinsecus aut bene aut male vivendi suspensas habere rationes. V, 13.

I regard the greatest praise of wisdom to be, that man should be self-dependent, and to have no doubts as to the proper method of living well or ill.

Saepissime et legi et audivi nihil mali esse in morte; in qua si resideat sensus, immortalitas illa potius quam mors ducenda sit; sin sit amissus, nulla videri miseria debeat quae non sentiatur. V, 16.

I have often read and heard that there is nothing evil in death; for, if there is a survival of consciousness, it must be considered immortality rather than death; while, if consciousness is destroyed, that can hardly be reckoned unhappiness, of which we are unconscious.

Plus tibi virtus tua dedit quam fortuna abstulit. V, 18.

Your virtue has given you more than fortune has taken from you.

Simus ea mente, quam ratio, et virtus praescribit, ut nihil in vita nobis praestandum praeter culpam, putemus: eaque cum careamus, omnia humana placate et moderate feramus. VI, 1.

Let us be of that opinion, which reason and virtue dictate, that we have nothing to guard against in life except crime; and when we are free from that, we may endure everything else with patience and moderation.

Suae quemque fortunae maxime poenitet. VI, 1.

Every man is dissatisfied with his own fortune.

Misera est illa enim consolatio, tali praesertim civi et viro, sed tamen necessaria, nihil esse praecipue cuiquam dolendum in eo, quod accidit universis. VI, 2.

'Tis a feeble consolation, especially to such a man and such a citizen, yet an inevitable one, that there is nothing specially deplorable in any individual having to meet the fate which is common to all mankind.

Levis est consolatio ex miseria aliorum. VI, 3.

The comfort derived from the misery of others is slight.

Conscientia rectae voluntatis maxima consolatio est rerum incommodarum: nec est ullum magnum malum, praeter culpam. VI, 4.

It is, indeed, the greatest consolation under adversity, to be conscious of having always meant well, and to be persuaded that nothing but guilt deserves to be considered as a severe evil.

Levat enim dolorem communis quasi legis, et humanae conditionis recordatio. VI, 6.

Ad Familiares.

For to reflect on the misfortunes to which mankind in general are exposed, greatly contributes to alleviate the weight of those which we ourselves endure.

Vacare culpa magnum est solatium. VII, 3.

To be free from faults is a great comfort.

Rideamus γέλωτα Σαρδόνιον. VII, 25.

Let us laugh a Sardonic laugh.

Nihil est, mihi crede, virtute formosius, nihil pulchrius, nihil amabilius. IX, 14.

Nothing, believe me, is more beautiful than virtue; nothing more fair, nothing more lovely.

Non facile dijudicatur amor verus, et fictus, nisi aliquod incidat ejusmodi tempus, ut, quasi aurum igni, sic benevolentia fidelis periculo aliquo perspici possit: caetera sunt signa communia. IX, 16.

A pretended affection is not easily distinguished from a real one, unless in seasons of distress. For adversity is to friendship what fire is to gold — the only infallible test to discover the genuine from the counterfeit. In all other cases they both have the same common marks.

Tu, pro tua sapientia, debebis optare optima, cogitare difficillima, ferre quaecunque erunt. IX, 17.

You, with your wisdom, should aspire to what is noblest, meditate on what is most obscure, and welcome whatever the Fates allot you.

Placet Stoicis suo quamque rem nomine appellare. IX, 22.

The Stoics like to call everything by its right name.

Stultorum plena sunt omnia. IX, 22.

All places are replete with fools.

Omnia summa consecutus es, virtute duce, comite fortunâ. X, 3.

Thou hast attained the highest rank, with virtue leading the way and fortune attending thee.

Nihil ex omnibus rebus humanis est praeclarius aut praestantius quam de republica bene mereri. X, 5.

Of all human things there is nothing more full of honor or better than to deserve well of one's country.

Ipse tibi sis senatus; quocumque te ratio reipublicae ducet, sequare. X, 16.

Be to yourself the Senate; wherever the wellbeing of the state points the path, follow there.

Culpa enim illa, *bis ad eundem,* vulgari reprehensa proverbio est. X, 20.

For to stumble twice against the same stone is a disgrace, you know, even to a proverb.

Nulla enim minantis auctoritas apud liberos est. XI, 3.

To the free and independent, the menaces of any man are perfectly impotent.

Bellorum civilium hi semper exitus sunt, ut non ea solum fiant, quae velit victor, sed etiam, ut iis mos gerendus sit, quibus adjutoribus sit parta victoria. XII, 18.

In civil wars these are always the results, that the conquered must not only submit to the will of the victor, but must obey those who have aided in obtaining the victory.

In omnibus novis conjunctionibus interest, qualis primus aditus sit, et qua commendatione quasi amicitiae fores aperiantur. XIII, 10.

In the formation of new friendships it is of importance to attend to the manner in which the approaches are made, and by whose means the avenues of friendship (if I may so express myself) are laid open.

Ea est enim profecto jucunda laus, quae ab iis proficiscitur, qui ipsi in laude vixerunt. XV, 6.

Praise is especially sweet when it comes from those whose own lives have been the subject of eulogy.

Laetus sum laudari me, inquit Hector, opinor apud Naevium, *abs te, pater, laudato viro.* XV, 6.

I am delighted to be praised by one who is praised by all the world.

Ad Familiares.

Omnes tuos nervos in eo contendas. XV, 14.

Strain every nerve to gain your point.

Aliter scribimus, quod eos solos, quibus mittimus, aliter, quod multos lecturos putamus. XV, 21.

We write differently when we think that those only to whom we write will read our letters, and in a different style when our letters will be seen by many.

Nunquam sero te venisse putabo, si salvus veneris. XVI, 12.

I shall never think that you are late in arriving, provided you arrive safely.

AD QUINTUM FRATREM

Ad Quintum Fratrem.

Maledicta et contumeliae cum abhorrent a literis, ab humanitate, tum vero contraria sunt imperio ac dignitati. I, 1.

While railing and abusive language are altogether unworthy of men of letters and of gentlemanly feeling, they are not less unsuitable to high rank and dignified behavior.

Multis enim simulationum involucris tegitur, et quasi velis quibusdam obtenditur uniuscujusque natura: frons, oculi, vultus persaepe mentiuntur; oratio vero saepissime. I, 1.

For every man's nature is concealed with many folds of disguise, and covered as it were with various veils. His brows, his eyes, and very often his countenance are deceitful, and his speech is most commonly a lie.

Nam ut quisque est vir optimus, ita difficillime esse alios improbos suspicatur. I, 1.

For the more virtuous any man is, the less easily does he suspect others to be vicious.

Ea molestissime ferre homines debent, quae ipsorum culpâ ferenda sunt. I, 1.

Men ought to bear with greatest difficulty those things which must be borne from their own fault.

Eorum qui futuri sunt, judicium est verius, obtrectatione et malevolentia liberatum. I, 1.

The judgment of those who come after us is truer, because it is freed from feelings of envy and malevolence.

Fallaces sunt permulti et leves, et diuturna servitute ad nimiam assentationem eruditi. I, 1 [of the Greeks]. *Ad Quintum Fratrem.*

They are for the most part deceitful and unstable, and from their long experience of subjection skilled in the art of flattery.

Iracundia cum in privata quotidianaque vita levis est animi atque infirmi, tum vero nihil est tam deforme quam ad summum imperium etiam acerbitatem naturae adjungere. II, 1.

While passionateness is the mark of a weak and silly mind in the daily intercourse of private life, so also there is nothing so out of place as to exhibit moroseness of temper in high command.

Quam se ipse amans sine rivali. III, 8.

How much in love with himself, and that without a rival.

AD QUIRITES

Tanquam bona valetudo jucundior est eis, qui e gravi morbo recreati, quam qui nunquam aegro corpore fuerunt; sic haec omnia desiderata magis quam assidue percepta delectant. I, 4. *Ad Quirites.*

Just as health is more delightful to those who have recovered from a severe illness than to those who have never been ill, so we take more pleasure in what we have long wanted than in what we are constantly obtaining.

BRUTUS DE CLARIS ORATORIBUS

Dicere enim bene nemo potest, nisi qui prudenter intelligit. VI. *Brutus De Claris Oratoribus.*

No one can speak well, unless he thoroughly understands his subject.

Pacis est comes otiique socia et jam bene constitutae civitatis quasi alumna quaedam eloquentia. XII.

Eloquence is the comrade of peace, the ally of leisure, and, in some sense, the foster child of a well-ordered state.

Ut enim hominis decus ingenium, sic ingenii ipsius lumen est eloquentia. XV.

As genius is man's brightest ornament, so it is eloquence that illuminates genius itself.

Brutus De Claris Oratoribus.

Proximus sed longo intervallo. XLVII.

Next, but at a long interval.

Magni interest quos quisque audiat quotide domi; quibuscum loquatur a puero, quemadmodum patres, paedagogi, matres etiam loquantur. LVIII.

It makes a great difference to whom we listen in our daily home life; with whom we have been accustomed to talk from boyhood upwards, and how our fathers, our tutors, and our mothers speak.

Et praeteritorum recordatio est acerba et acerbior exspectatio reliquorum. Itaque omittamus lugere. LXXVI.

Sad are our memories of the past, and sadder still our anticipations of the future. Therefore let us banish mourning.

Quum honos sit praemium virtutis, judicio studioque civium delatum ad aliquem, qui eum sententiis, qui suffragiis adeptus est, is mihi et honestus et honoratus videtur. LXXXI.

Since the reward of virtue is honor, bestowed on a man by the judgment and the good will of his fellow-citizens, I maintain that whoever has succeeded in gaining their good opinion and their suffrages is an honest and an honorable man.

DE AMICITIA

De Amicitia.

Neque assentior iis, qui haec nuper dissere coeperunt, cum corporibus simul animos interire atque omnia morte deleri. Plus apud me antiquorum auctoritas valet, ... qui dicebant animos hominum esse divinos, iisque, cum e corpore excessissent, reditum in coelum patere, optimoque et justissimo cuique expeditissimum. III, IV.

Nor am I able to agree with those who have begun to affirm that the soul dies with the body, and that all things are destroyed by death. I am more inclined to be of the opinion of those among the ancients, who used to maintain that the souls of men are divine, and when they leave the body they return to heaven, and those who are the most virtuous and upright have the most speedy entrance.

Cum propinquis amicitiam natura ipsa peperit: sed ea non satis habet firmitatis. V. *De Amicitia.*

Nature herself has produced friendship with relations, but it is never very stable.

Agamus, igitur, pingui, ut aiunt, Minerva. V.

Let us bring to bear our plain mother wit.

Hoc praestat amicitia propinquitati, quod ex propinquitate benevolentia tolli potest, ex amicitia non potest; sublata enim benevolentia, amicitiae nomen tollitur, propinquitatis manet. V.

Friendship has this advantage over kinship, that the latter may exist without good feeling, the former cannot; if there be no good feeling the very name of friendship vanishes, while that of kinship continues.

Qua quidem [*amicitia*] haud scio, an, excepta sapientia, quidquam melius homini sit a diis immortalibus datum. Divitias alii praeponunt, bonam alii valetudinem, alii potentiam, alii honores, multi etiam voluptates. Belluarum hoc quidem extremum est; illa autem superiora, caduca et incerta posita non tam in nostris consiliis, quam in fortunae temeritate. Qui autem in virtute summum bonum ponunt, praeclare illi quidem: sed haec ipsa virtus amicitiam et gignit, et continet: nec sine virtute amicitia esse ullo pacto potest. VI.

If we except wisdom, I know not if the immortal gods have bestowed so excellent a gift on mankind, as friendship. Some give the preference to riches, some to health, some to power, others to honors, and not a few to pleasures. This last, indeed, constitutes the happiness of brutes; and even the former are frail and uncertain, depending, not so much on our own prudence, as on the caprice of fortune. Those, on the other hand, who place their chief happiness in virtue act an excellent part: but then this virtue begets and maintains friendship; which, without it, could by no means subsist.

Secundas res splendidiores facit amicitia et adversas partiens communicansque leviores. VI.

Friendship throws a greater luster on prosperity, while it lightens adversity by sharing in its griefs and anxieties.

De Amicitia. Est autem amicitia nihil aliud, nisi omnium divinarum, humanarumque rerum cum benevolentia, et caritate summa consensio: qua quidem haud scio, an, excepta sapientia, quidquam melius homini sit a diis immortalibus datum. VI.

Friendship only truly exists where men harmonize in their views of things human and divine, accompanied with the greatest love and esteem; I know not whether, with the exception of wisdom, the gods have given us anything better.

Quocirca et absentes adsunt, et egentes abundant, et imbecilles valent, et, quod difficilius dictu est, mortui vivunt. VII.

For in this way we may say that the absent are present, the needy have abundance, the weak are in health, and, what may seem absurd, the dead are alive.

Quae enim domus tam stabilis, quae tam firma civitas est, quae non odiis atque dissidiis funditus possit everti? VII.

There is no house so strong, no state so firmly established, that it may not be levelled to the ground by internal hatreds and dissensions.

Verum enim amicum qui intuetur, tanquam exemplar aliquod intuetur sui. Quocirca et absentes adsunt, et egentes abundant, et imbecilli valent et, quod difficilius dictu est, mortui vivunt: tantus eos honos, memoria, desiderium prosequitur amicorum. VII.

He who looks upon a true friend looks upon a sort of copy of himself. Wherefore the absent are present, the poor are rich, the sick are made whole and, more difficult still, the dead live; so far are they followed by the respect, the memory, the yearning affection of their friends.

Nulla est igitur excusatio peccati, si amici causa peccaveris. XI.

It is no excuse for sin that we sinned for a friend's sake.

Haec igitur prima lex amicitiae sanciatur, ut ab amicis honesta petamus, amicorum causa honesta faciamus. XIII.

Let this, therefore, be established as a primary law of friendship, that we expect from our friends only what is honorable and, for our friends' sake, do what is honorable.

Ergo hoc proprium est animi bene constituti, et laetari bonis rebus et dolere contrariis. XIII.

This is the evidence of a well-trained mind, that it delights in what is good and recoils instinctively from what is bad?

Solem enim e mundo tollere videntur qui amicitiam e vita tollunt. XIII.

Robbing life of friendship is like robbing the world of the sun.

Non enim solum ipsa fortuna caeca est, sed eos etiam plerumque efficit caecos, quos complexa est. Itaque effecruntur illi fere fastidio, et contumacia: neque quidquam insipiente fortunato intolerabilius fieri potest. Atque hoc quidem videre licet, eos, qui antea commodis fuerunt moribus, imperio, potestate, prosperis rebus immutari, spernique ab iis veteres amicitias, indulgeri novis. XV.

For not only is Fortune herself blind, but she generally causes those men to be blind whose interests she has more particularly embraced. Therefore they are often haughty and arrogant; nor is there anything more intolerable than a prosperous fool. And hence we often see that men, who were at one time affable and agreeable, are completely changed by prosperity, despising their old friends, and clinging to new.

Negabat ullam vocem inimiciorem amicitiae potuisse reperiri, quam ejus, qui dixisset, ita amare oportere, ut si aliquando esset osurus. XVI.

He used to maintain that there was no maxim more at variance with friendship than that of the man who said, "that we ought always to indulge in love as if we might one day hate."

Ennius recte: *Amicus certus in re incerta cernitur.* XVII.

Ennius has well remarked, "that a real friend is known in adversity."

Nec vero negligenda est fama, nec mediocre telum ad res gerendas existimare oportet benevolentiam civium, quam blanditiis et assentando colligere turpe est; virtus, quam sequitur caritas, minime repudianda est. XVII.

Popularity indeed, if purchased at the expense of base condescension to vice, is a disgrace to the possessor, but when it is the natural result of praiseworthy action, it is an acquisition which no wise man will despise.

De Amicitia. Aperte enim vel odisse, magis ingenui est, quam front occultare sententiam. XVIII.

Open and avowed hatred far more becomes a man of straight forward character than concealing his sentiments with a smoot brow.

Vulgo dicitur multos modios salis simul edendos esse, u amicitiae munus expletum sit. XIX.

It is a common proverb that many bushels of salt must be eate together, before the duties due to friendship can be fulfilled.

Maxima est enim vis vetustatis et consuetudinis. XIX.

Great is the power of antiquity and of custom.

Odiosum sane genus hominum, officia exprobrantium quae meminisse debet is, in quem collata sunt, non com memorare, qui contulit. XX.

That is a detestable race of men who are always raking up kind nesses conferred; he who has received them ought to have ther on his memory, and not the man who has conferred them.

Quod nisi idem in amicitiam transferatur, verus amicu numquam reperietur; est enim is quidem tamquam alte idem. XXI.

Unless this idea be adopted in friendship, a true friend wi never be found; for he is like a second self.

Rarum genus (et quidem omnia praeclara rara) nec quic quam difficilius, quam reperire, quod sit omni ex parte i suo genere perfectum. XXI.

A kind of men, few and far between (all good things are rare) for there is nothing more difficult to find than perfection.

Plerique neque in rebus humanis quidquam bonum norun nisi quod fructuosum sit, et amicos, tanquam pecudes, ec potissimum diligunt, ex quibus sperant se maximum fru tum esse capturos. XXI.

In the affairs of this world many men recognize nothing as goo unless it is also profitable, and value their friends as they do the live stock, proportionately to their expectation of making a prof out of them.

Maximum ornamentum amicitiae tollit, qui ex ea tollit verecundiam. XXII. *De Amicitia.*

He takes the greatest ornament from friendship, who takes modesty from it.

Virtutum amicitia adjutrix a natura data est, non vitiorum comes. XXII.

Friendship was appointed by nature as an aid to the virtues, not as a companion of vice.

Praeposteris enim utimur consiliis, et acta agimus, quod vetamur veteri proverbio. XXII.

For this is a preposterous idea, and we do over that which has been done, which we are prohibited to do by the ancient proverb.

A Tarentino Archyta: "Si quis in coelum ascendisset, naturamque mundi, et pulchritudinem siderum perspexisset, insuavem illam admirationem ei fore; quae jucundissima fuisset, si aliquem, cui narraret, habuisset." XXIII.

If a man could mount to heaven and survey the mighty universe with all the planetary orbs, his admiration of their beauties would be much diminished, unless he had someone to share in his pleasure.

Illud Catonis: "Melius de quibusdam acerbos inimicos mereri, quam eos amicos, qui dulces videantur: illos verum saepe dicere, hos numquam." XXIV.

Bitter and unrelenting enemies often deserve better of us than those friends whom we are inclined to regard as pleasant companions; the former often tell us the truth, the latter never.

Assentatio, vitiorum adjutrix, procul amoveatur. XXIV.

Let flattery, the handmaid of vices, be far removed from friendship.

Molesta veritas est, si quidem ex ea nascitur odium, quod est venenum amicitiae; sed obsequium multo molestius, quod peccatis indulgens praecipitem amicum ferri sinit. XIV.

Truth is grievous indeed, if it gives birth to ill-feeling which poisons friendship; but more grievous still is the complaisance which, by passing over a friend's faults, permits him to drift headlong to destruction.

De Amicitia. Cujus autem aures veritati clausae sunt, ut ab amico verum audire nequeat, hujus salus desperanda est. XXIV.

When a man's ears are so closed to the truth that he will not listen to it even from a friend, his condition is desperate.

Virtute enim ipsa non tam multi praediti esse, quam videri volunt. XXVI.

The fact is, there are not so many possessed of virtue itself as wish to appear its possessor.

Vivit tamen semperque vivet; virtutem enim amavi illius viri, quae exstincta non est. XXVII.

He lives and shall forever live; for it was his virtues that endeared him to me, and they can never die.

Equidem ex omnibus rebus, quas mihi aut fortuna aut natura tribuit, nihil habeo, quod cum amicitia Scipionis possim comparare. In hac mihi de re publica consensus, in hac rerum privatarum consilium, in eadem requies plena oblectationis fuit. Numquam illum ne minima quidem re offendi, quod quidem senserim; nihil audivi ex eo ipse, quod nollem. XXVII.

Of all the blessings which fortune or nature has bestowed upon me, I have nothing that compares with the friendship of Scipio. I have found it a companion in all public affairs, a counsellor in private, and always a source of the truest satisfaction. I am not conscious of ever having given him the slightest offense; and, surely I never heard a word from his lips which I had cause to wish he had not uttered.

Vos autem hortor ut ita virtutem locetis, sine qua amicitia esse non potest, ut ea excepta nihil amicitia praestabilius putetis. XXVII.

I entreat you to remember that there can be no true friendship that is not founded on virtuous principles, nor any acquisition, virtue only excepted, that is preferable to friendship.

DE DIVINATIONE

De Divinatione. Jacet enim corpus dormientis ut mortui; viget autem et vivit animus. I, 30.

The body of the sleeper lies as though dead; but his mind lives and flourishes.

Negat sine furore Democritus quemquam poëtam magnum esse posse. I, 37.

Democritus maintains that there can be no great poet without a spice of madness.

Affert vetustas omnibus in rebus longinquâ observatione incredibilem scientiam. I, 49.

A long course of careful observations, conducted for a length of time, brings with it an incredible accuracy of knowledge.

Certis rebus certa signa praecurrunt. I, 52.

Certain signs precede certain events.

Quod cum ita sit, nihil est factum, quod non futurum fuerit, eodemque modo nihil est futurum, cujus non causas id ipsum efficientes, natura continet. I, 55.

Since this is so, nothing has ever happened which has not been predestinated, and in the same way nothing will ever occur, the predisposing causes for which may not be found in nature.

"Qui sibi semitam non sapiunt, alteri monstrant viam;
Quibu' divitias pollicentur, ab iis drachmam ipsi petunt."
[Ennius, quoted by Cicero] I, 58.

Though they know not the path, they'll point the way to others;
They'll promise wealth, and then they'll beg a trifling loan.

"Non habeo denique nauci Marsum augurem,
Non vicanos haruspices, non de circo astrologos,
Non Isiacos conjectores, non interpretes somniûm,
Non enim sunt ii scientia, aut arte divini,
Sed superstitiosi vates, impudentesque harioli.
Aut inertes, aut insani, aut quibus egestas imperat:
Qui sibi semitam non sapiunt, alteri monstrant viam:
Quibu' divitias pollicentur, ab iis drachmam ipsi petunt.
De his divitiis sibi deducant drachmam, reddant cetera."
[Ennius, quoted by Cicero] I, 58.

In short, I care nothing for the Marsian augurs, nor the village haruspices, nor strolling astrologers, nor for the gipsy priests of Isis, nor for the interpreters of dreams; for these possess neither science nor art, but are superstitious priests and impudent impostors. They are either lazy or mad, or act to gain a livelihood; knowing not the right path themselves, they pretend to show it to others, promising riches to gain a penny.

De Divinatione.

Quod enim munus reipublicae afferre majus, meliusve possumus, quam si docemus, atque erudimus juventutem. II, 2.

What nobler employment, or [what] more advantageous to the state, than that of the man who instructs the rising generation!

Bene qui conjiciet, vatem hunc perhibebo optimum. II, 5.

The best guesser I shall always call the most sagacious prophet.

Nihil enim est tam contrarium rationi et constantiae quam fortuna. II, 7.

Nothing is so unreasonable and inconsistent as fortune.

Atque ego ne utilem quidem arbitror esse nobis futurarum rerum scientiam. Quae enim vita fuisset Priamo, si ab adolescentia scisset, quos eventus senectutis esset habiturus! II, 9.

For my own part, I can never believe that a knowledge of future events would be of advantage to us; for what a miserable life Priam would have led, had he known the occurrences that were to befall him in his old age!

Quod est ante pedes, nemo spectat: coeli scrutantur plagas. II, 13.

Nobody looks at what is immediately before them; we are all employed in gazing at the stars.

Etsi causae non reperiantur istarum rerum, res tamen ipsae observari, animadvertique potuerunt. II, 21.

Though it be impossible to discover the occult causes of natural phenomena, still it is well to observe and animadvert upon the facts themselves.

Quod crebo videt, non miratur, etiam si, cur fiat, nescit. Quod ante non vidit; id si evenerit, ostentum esse censet. II, 22.

A man is not surprised at what he sees frequently, even though he be ignorant of the reason; whereas if that which he never beheld before happens, then he calls it a prodigy.

Causarum ignoratio in re nova mirationem facit. II, 22.

In extraordinary events ignorance of their causes produces astonishment.

Eumque terrorem, quem tibi rei novitas attulerit, naturae ratione depellito. II, 28.

Drive away by the principles of nature that terror which may have been caused by the strangeness of the event.

Nihil fieri sine causa potest, nec quicquam fit quod fieri non potest. Nec si id factum est, quod fieri potuit, portentum debet videri. Nulla igitur portenta sunt. II, 28.

Nothing can be done without a cause, nor has anything been done which cannot again be done. Nor, if that has been done which could be done, ought it to be regarded as a prodigy. There are, therefore, no prodigies.

Nihil debet esse in philosophia commentitiis fabellis loci. II, 38.

There should be no place in philosophy for fanciful stories.

Quotusquisque est qui voluptatem neget esse bonum? plerique etiam summum bonum dicunt. II, 39.

How many people are there who deny that pleasure is a good? Some even call it the highest good.

Nihil est quod deus efficere non possit. II, 41.

There is nothing which God cannot accomplish.

Facile princeps. II, 42.

Easily first.

Non enim omnis error stultitia est dicenda. II, 43.

We must not say that every mistake is a foolish one.

Ex falsis, ut ab ipsis didicimus, verum effici non potest. II, 51.

From the false, as they themselves have taught us, we can obtain nothing true.

Quid est tam incertum quam talorum jactus? tamen, nemo est quin, saepe jactans, Venerium jaciat aliquando, nonnunquam etiam iterum et tertium. II, 59.

What is more uncertain that the fall of the dice? Yet everyone will occasionally throw the double six, if he throws often enough; nay, sometimes even twice or thrice running.

De Divinatione. Nec enim ignorare deus potest, quâ mente quisque sit. II, 60.

God cannot be ignorant of the character of man.

Esse praestantem aliquam, aeternamque naturam, et eam suspiciendam, admirandamque hominum generi, pulchritudo mundi, ordoque rerum coelestium cogit confiteri. II, 72.

The beauty of the world and the orderly arrangement of everything celestial makes us confess that there is an excellent and eternal nature, which ought to be worshipped and admired by all mankind.

Nec vero superstitione tollenda religio tollitur. II, 72.

We do not destroy religion by destroying superstition.

DE FINIBUS

De Finibus. Nec modus est ullus investigandi veri, nisi inveneris: et quaerendi defatigatio turpis est, quum id quod quaeritur sit pulcherrimum. I, 1.

There should be no end to the search for truth, other than the finding of it; it is disgraceful to grow weary of seeking when the object of your search is so beautiful.

Doloris omnis privatio recte nominata est voluptas. I, 11.

What we call pleasure, and rightly so, is the absence of all pain.

Ignoratione rerum bonarum, et malarum, maxime hominum vita vexatur. I, 13.

Through ignorance of what is good and what is bad, the life of man is greatly perplexed.

Aequo animo e vita, quum ea non placeat, tanquam e theatro, exeamus. I, 15.

If life is distasteful to us, let us leave it as calmly as though we were leaving the theatre.

Accedit etiam mors, quae, quasi saxum Tantalo, semper impendet: tum superstitio, qua qui est imbutus, quietus esse nunquam potest. I, 18.

Death approaches, which is always impending over us, like the stone over Tantalus; then comes superstition, and he who is racked with it can never have peace of mind.

Omnium rerum natura cognita, levamur superstitione, liberamur mortis metu, non conturbamur ignoratione rerum, e qua ipsa horribiles exsistunt saepe formidines. I, 19.

When we know the nature of all things, we are relieved from superstition, freed from the fear of death, and not disturbed by ignorance of circumstances, from which often arise fearful terrors.

Gravissimae sunt ad beate vivendum breviter enuntiatae sententiae. II, 7.

Terse sentences, briefly expressed, have great weight in leading to a happy life.

Homo ad duas res, ad intelligendum et ad agendum, est natus. II, 13.

Man has been born for two things — thinking and acting.

Natura cupiditatem ingenuit homini veri videndi. II, 14.

Nature has inspired man with the desire of seeing the truth.

Quam illa ardentes amores excitaret sui, si videretur! II, 16.

What fervent love of herself would Virtue excite if she could be seen!

Est pecunia effectrix multarum voluptatum. II, 17.

Money is the creator of many pleasures.

Temperantia est moderatio cupiditatum rationi obediens. II, 19.

Temperance is the moderating of one's desires in obedience to reason.

Officii fructus sit ipsum officium. II, 22.

Let the reward of duty be duty itself.

In omni arte, quavis scientia, vel in ipsa virtute, optimum quidque rarissimum est. II, 25.

In every art, science, and we may say even in virtue itself, the best is most rarely to be found.

De Finibus.

Sapientem locupletat ipsa Natura. II, 28.

Nature herself makes the wise man rich.

An id exploratum cuiquam potest esse, quomodo sese habiturum sit corpus, non dico ad annum, sed ad vesperam? II, 28.

Can anyone find out how his body shall be, I do not say a year hence, but even at evening?

Socratem audio dicentem, cibi condimentum esse famem, potionis sitim. II, 28.

I hear Socrates saying that the best seasoning for food is hunger, for drink, thirst.

Facta ejus cum dictis discrepant. II, 30.

His deeds do not agree with his words.

Vulgo enim dicitur, *Jucundi acti labores:* nec male Euripides: concludam, si potero, Latine: Graecum enim hunc versum nostis omnes: *Suavis laborum est praeteritorum memoria.* II, 32.

It is generally said, "Past labors are pleasant." Euripides says, for you all know the Greek verse, "The recollection of past labors is pleasant."

Jucundi acti labores. II, 32.

Delightful are past labors.

Maximas vero virtutes jacere omnes necesse est, voluptate dominante. II, 35.

All the greatest virtues must lie dormant where pleasure holds sway.

Quis non odit sordidos, vanos, leves, futiles? III, 11.

Who does not hate the mean, the vain, the fickle, and the trifling?

Nihil est enim de quo minus dubitari possit, quam et honesta expetenda per se, et eodem modo turpia per se esse fugienda. III, 11.

There is nothing about which we can have less doubt than that good is to be sought for its own sake, and evil for its own sake to be avoided. *De Finibus.*

Nec vero pietas adversus deos, nec quanta his gratia debeatur, sine explicatione naturae intelligi potest. III, 22.

It is not possible to understand the meaning of reverence for the gods, nor how great a debt of gratitude we owe them, unless we turn to nature for an explanation.

Rectius enim (sapiens) appellabitur rex quam Tarquinius, qui nec se nec suos regere potuit. III, 22.

The wise man better deserves the title of king than Tarquinius, who could not rule either himself or his people.

Nati sumus ad congregationem hominum et ad societatem communitatemque generis humani. IV, 2.

We have been born to unite with our fellow-men, and to join the community of the human race.

Sed positum sit primum nosmet ipsos commendatos esse nobis, primamque ex natura hanc habere appetitionem, ut conservemus nosmet ipsos. IV, 10.

Let it first be granted that we are given in charge to ourselves, and that the first thing we receive from nature is the instinct of self-preservation.

Animi cultus ille erat ei quasi quidem humanitatis cibus. V, 19.

This mental culture was as it were food to his higher nature.

Nec voluptatem requirentes, nec fugientes laborem. V, 20.

Neither seeking pleasure nor avoiding toil.

Omnium rerum principia parva sunt. V, 21.

The beginnings of all things are small.

Justitia in suo cuique tribuendo cernitur. V, 23.

Justice is seen in giving every one his own.

Consuetudine quasi alteram quandam naturam effici. V, 25.

Habit produces a kind of second nature.

DE HARUSPICUM RESPONSIS

De Haruspicum Responsis.

Deorum tela in impiorum mentibus figuntur. XVIII.

The darts of the gods are fixed in the minds of the wicked.

A diis quidem immortalibus quae potest homini major esse poena, furore atque dementia? XVIII.

What greater punishment can the immortal gods inflict on man than madness or insanity?

Popularis aura. XX.

The breeze of popular favor.

Neque enim ullus alius discordiarum solet esse exitus, inter claros et potentes viros, nisi aut universus interitus, aut victoris dominatus, aut regnum. XXV.

When men of eminence and power are driven to take up arms against each other, one of two things is certain to happen: either both parties are completely annihilated, or the victor becomes master and sovereign of the state.

Nostrae nobis sunt inter nos irae discordiaeque placandae. XXVIII.

Our anger and quarrels must be put away.

Haec deorum immortalium vox, haec paene oratio judicanda est, cum ipse mundus, cum aër atque terrae, motu quodam novo contremiscunt et inusitato aliquid sono incredibilique praedicunt. XXVIII.

This ought almost to be regarded as the voice and the words of the immortal gods, when the globe itself, the air and the earth, shake with an unusual agitation and prophesy to us in accents that we have never before heard and which seem incredible.

DE IMPERIO CN. POMPEII

De Imperio Cn. Pompeii.

Ego enim sic existimo, in summo imperatore quattuor has res inesse oportere, scientiam rei militaris, virtutem, auctoritatem, felicitatem. X, 28.

In my opinion there are four qualifications necessary for a very great general: skill in his profession, courage, authority, and luck.

DE LEGE AGRARIA

Non ingenerantur hominibus mores tam a stirpe generis ac seminis, quam ex iis rebus, quae ab ipsa natura loci, et a vitae consuetudine suppeditantur, quibus alimur et vivimus. II, 35. *De Lege Agraria.*

Men's characters and habits are not influenced so much by the peculiarities of family and race as by the physical features of their native land and their mode of life — things by which we are supported and by which we live.

Singularis homo, privatus, nisi magna sapientia praeditus, vix facile sese regionibus officii, magnis in fortunis et copiis continet. II, 35.

An individual in a private station, unless he be endued with great wisdom, cannot confine himself in due bounds if he reach high fortune and wealth.

DE LEGIBUS

Potius ignoratio juris litigiosa est quam scientia. I, 6. *De Legibus.*

The litigious spirit is more often found with ignorance than with knowledge of law.

Lex est ratio summa, insita in natura, quae jubet ea quae facienda sunt prohibetque contraria. I, 6.

Law is the highest expression of the system of nature, which ordains what is right and forbids what is wrong.

Animal hoc providum, sagax, multiplex, acutum, memor, plenum rationis et consilii, quem vocamus hominem, praeclarâ quâdam conditione generatum est a supremo Deo. Solum est enim ex tot animantium generibus, atque naturis, particeps rationis, et cogitationis, cum cetera sint omnia expertia. Quid est autem, non dicam in homine, sed in omni coelo, atque terra, ratione divinius? quae cum adolevit, atque perfecta est, nominatur rite sapientia. I, 7.

This provident, sagacious, versatile, subtle, thoughtful, rational, wise animal, which we call man, has been created by the supreme

De Legibus. God with a certain noble privilege; for he alone of so many different kinds and sorts of animals is partaker of reason and reflection, when all others are destitute of them. But what is there, I will not say in man, but in all heaven and earth, more divine than reason? which, when it has arrived at maturity, is properly termed wisdom.

Universus hic mundus una civitas communis deorum atque hominum existimanda. I, 7.

The whole world is to be regarded as a state, of which the citizens are gods and men.

Itaque ex tot generibus nullum est animal, praeter hominem, quod habeat notitiam aliquam Dei: ipsisque in hominibus nulla gens est neque tam immansueta neque tam fera, quae non, etiam si ignoret, qualem habere Deum deceat, tamen habendum sciat. Ex quo efficitur illud, ut is agnoscat Deum, qui, unde ortus sit, quasi recordetur, ac noscat. I, 8.

Therefore, of all kinds of animals there is none except man that has knowledge of a God; among men there is not a nation so savage and brutish which, though it may not know what kind of a being God ought to be, does not know that there must be one. From this we may infer that, whoever, as it were, recollects and knows whence he is sprung, acknowledges the existence of a God.

Natura solum hominem erexit, ad coelique quasi cognationis, domiciliique pristini conspectum excitavit. I, 9.

Nature has bestowed on man alone an erect stature and raised his thoughts to the contemplation of heaven, as if it were connected with him by relationship and his ancient home.

Tanta autem est corruptela malae consuetudinis, ut ab ea tamquam igniculi extinguantur a natura dati, exorianturque, et confirmentur vitia contraria. I, 12.

There is in fact such corruption engendered in man by bad habits, that the sparks, as it were, of virtue, furnished by nature, are extinguished, and vices of an opposite kind spring up around him and become strengthened.

Nihilo sese plus quam alterum homo diligat. I, 12.

Let not man love himself more than his neighbor.

Insectantur furiae, non ardentibus taedis, sicut in fabulis, sed angore conscientiae, fraudisque cruciatu. I, 14. *De Legibus.*

The furies pursue men, not with burning torches, as the poets feign, but with remorse of conscience and the tortures arising from guilt.

Justitia est obtemperatio scriptis legibus. I, 15.

Justice is obedience to the written laws.

Ipsum enim bonum non est opinionibus, sed natura. I, 17.

The absolute good is not a matter of opinion but of nature.

Nam qui se ipse norit, primum aliquid sentiet se habere divinum, ingeniumque in se suum, sicut simulacrum aliquod, dedicatum putabit; tantoque munere deorum semper dignum aliquid et faciet, et sentiet: et, cum se ipse perspexerit, totumque tentarit, intelliget, quemadmodum a natura subornatus in vitam venerit, quantaque instrumenta habeat ad obtinendam, adipiscendamque sapientiam. I, 22.

For whoever is acquainted with his own mind will, in the first place, feel that he has a divine principle within him, and will regard his rational faculties as something sacred and holy; he will always both think and act in a way worthy of so great a gift of the gods; and when he shall have proved and thoroughly examined himself, he will perceive how well furnished by nature he has come into life, and what noble instruments he possesses to obtain and secure wisdom.

Movemur nescio quo pacto locis ipsis, in quibus eorum quos diligimus aut admiramus adsunt vestigia. II, 2.

We are moved, I know not how, by the spots in which we find traces of those who possess our esteem and admiration.

A diis immortalibus sunt nobis agendi capienda primordia. II, 3.

We must begin our acts with a prayer to the immortal gods.

Erat enim ratio profecta a rerum natura, et ad recte faciendum impellens, et a delicto avocans: quae non tum denique incipit lex esse, cum scripta est, sed tum, cum orta est. Orta autem simul est cum mente divinâ. Quamobrem, lex vera, atque princeps, apta ad jubendum, et ad vetandum, ratio summi Jovis. II, 4.

De Legibus.

For it was reason, derived from the nature of things, impelling man to what is right, and deterring him from what is wrong, which does not then begin to be law, when it is found written down in books, but was so from the first moment of its existence. It was co-eternal with the divine mind, wherefore true and ultimate law fitted to direct as well as to forbid is the mind of the Supreme Being.

Hanc igitur video sapientissimorum fuisse sententiam, legem neque hominum ingeniis excogitatam, nec scitum aliquod esse populorum, sed aeternum quiddam, quod universum mundum regeret, imperandi prohibendique sapientia. Ita principem legem illam, et ultimam, mentem esse dicebant, omnia ratione aut cogentis, aut vetantis dei: ex qua illa lex, quam dii humano generi dederunt, recte est laudata. Est enim ratio, mensque sapientis, ad jubendum, et ad deterrendum idonea. II, 4.

I see, therefore, that this has been the idea of the wisest, that law has not been devised by the ingenuity of man, nor yet is it a mere decree of the people, but an eternal principle which must direct the whole universe, directing and forbidding everything with entire wisdom. Thus they used to say that the mind of the divinity was the real and ultimate law which orders or forbids everything justly; hence that law which the gods have assigned to mankind is justly deserving praise, for it is the reason and mind of a wise being well fitted to direct or forbid.

Lex, justorum injustorumque distinctio, ad illam antiquissimam, et rerum omnium principem expressa naturam, ad quam leges hominum diriguntur, quae supplicio improbos afficiunt, defendunt ac tuentur bonos. II, 5.

Law, therefore, is what distinguishes right and wrong, derived from nature herself, the most ancient principle of all things, to which the laws of men direct themselves, when they impose penalties on the wicked, and protect and defend the good.

Qualis quisque sit, qua mente, qua pietate colat religiones intueri deos piorumque et impiorum habere rationem. II, 7.

The gods know what sort of a person everyone really is; they take notice with what feelings and with what piety he attends to his religious duties, and are sure to make a distinction between the good and the wicked.

Animi labes nec diuturnitate vanescere nec amnibus ullis elui potest. II, 10.

The stains that affect the mind cannot be got rid of by time, nor yet can the multitudinous waters of the sea wash them away.

Illud bene dictum est a Pythagora, doctissimo viro, tum maxime, et pietatem, et religionem versari in animis, cum rebus divinis operam daremus. II, 11.

That is a noble sentence of Pythagoras — "Then chiefly do piety and religion flourish in our souls, when we are occupied in divine services."

Donis impii ne placare audeant deos, Platonem audiant, qui vetat dubitare, qua sit mente futurus Deus, cum vir nemo bonus ab improbo se donari velit. II, 16.

Let the impious listen to Plato, that they may not dare to propitiate the gods with gifts, for he forbids us to doubt what feelings God must entertain towards such, whenever a good man is unwilling to accept gifts from the wicked.

Nam non solum scire aliquid, artis est, sed quaedam ars etiam docendi. II, 19.

For not only is art shown in knowing a thing, but there is also a certain art in teaching it.

Vere dici potest, magistratum legem esse loquentem; legem autem, mutum magistratum. III, 1.

It may truly be said that the magistrate is a speaking law, and the law is a silent magistrate.

Qui modeste paret, videtur, qui aliquando imperet, dignus esse. III, 2.

He who obeys with modesty appears worthy of some day or other being allowed to command.

Sine magistratuum prudentia ac diligentia esse civitas non potest. III, 2.

A state cannot exist without the foresight and diligence of magistrates.

De Legibus. "Salus populi suprema lex esto." (The Twelve Tables, quoted by Cicero) III, 3.

Let the good of the people be the paramount law.

Licet videre, qualescumque summi civitatis viri fuerunt, talem civitatem fuisse: quaecumque mutatio morum in principibus exstiterit, eandem in populo secuturam. III, 14.

Thou mayest plainly see that such as the chief men of the state have been, such also has been the character of the state; and whatever change of manners took place in the former, the same always followed in the latter.

Id haud paullo est verius quam quod Platoni nostro placet qui, musicorum cantibus, ait, mutatis, mutari civitatum status. III, 14.

This observation is much more certain than that of Plato, who pretends that a change in the songs of musicians is able to change the feelings and conditions of a state.

Nam ego in ista sum sententia, qua te fuisse semper scio, nihil ut fuerit in suffragiis voce melius. III, 15.

For I am of the same opinion as you have always been, that open, "viva voce" voting is the best method at elections.

Quamobrem suffraganda nimia libido in non bonis causis eripienda fuit potentibus, non latebra danda populo, in quâ, bonis ignorantibus, quid quisque sentiret, tabella vitiosum occultaret suffragium. Itaque isti rationi neque lator quisquam est inventus, nec auctor umquam bonus. III, 15.

Wherefore the powerful ought rather to have been deprived of their power of influencing votes for bad purposes, than that the ballot should have been conferred on the people, whereby corrupt votes are concealed, virtuous citizens being left in the dark as to the sentiments of each. Wherefore no good man has ever been found to bring forward or propose such a law.

Excitabat enim fluctus in simpulo. III, 16.

For he used to raise a storm in a teapot.

Nam brevitas, non modo senatoris sed etiam oratoris, magna laus est in sententiâ. III, 18.

For brevity is the best recommendation of a speech, not only in the case of a senator, but in that, too, of an orator.

DE NATURA DEORUM

Haud scio an pietate adversus deos sublata, fides etiam et societas generis humani et una excellentissima virtus, justitia tollatur. I, 2. *De Natura Deorum.*

I am disposed to think that if reverence for the gods were destroyed, we should also lose honesty and the brotherhood of mankind, and that most excellent of all virtues, justice.

Nec vero probare soleo id, quod de Pythagoreis accepimus: quos ferunt, si quid affirmarent in disputando, cum ex iis quaereretur, quare ita esset, respondere solitos, "ipse dixit;" "ipse" autem erat Pythagoras. I, 5.

Nor am I accustomed to approve of that which we have heard about the Pythagoreans, who they say used to answer, when they made an assertion in discussing a subject, if they were asked why it was so, "He himself has said it." Now this "he" was Pythagoras.

Non enim tam auctoritatis in disputando, quam rationis momenta quaerenda sunt. I, 5.

We should in discussion rather seek force of argument than of authority.

Non enim hominum interitu sententiae quoque occidunt, sed lucem auctoris fortasse desiderant. I, 5.

A man's utterances do not die with him, but they lose, perhaps, something of the brilliancy with which he endowed them.

In omnium animis deorum notionem impressit ipsa natura. Quae est enim gens, aut quod genus hominum, quod non habeat sine doctrina anticipationem quandam deorum? I, 16.

Nature herself has imprinted on the minds of all the idea of a God. For what nation or race of men is there that has not, even without being taught, some idea of a God?

Quae enim nobis natura informationem deorum ipsorum dedit, eadem insculpsit in mentibus, ut eos aeternos, et beatos haberemus. I, 17.

For the same nature, which has given to us a knowledge of the gods, has imprinted on our minds that they are eternal and happy.

De Natura Deorum.

Beatus autem esse sine virtute nemo potest. I, 18.

No one can be happy without virtue.

In animi securitate vitam beatam ponimus. I, 20.

We posit a happy life in tranquillity of mind.

Quis non timeat omnia providentem, et cogitantem, et animadvertentem, eum. I, 20.

Who should not fear God, who foresees, considers, and perceives all things?

Ut tragici poetae, quum explicare argumenti exitum non potestis, confugitis ad deum. I, 20.

Like the tragic poets, when you cannot work out your *dénouement* satisfactorily, you call the Deity to your aid.

Quanto diutius considero, tanto mihi res videtur obscurior. I, 22 (Simonides to Hiero.)

The more I think over the matter, the more difficult of comprehension it seems to me.

Utinam tam facile vera invenire possim quam falsa convincere. I, 32.

Would that it were as easy for me to find the true as to detect the false!

Ut Ennius: "Simia quam similis, turpissima bestia, nobis!" I, 35.

As Ennius says: "How like to us is that filthy beast the ape!"

Superstitio, in qua inest inanis timor Dei; religio, quae Dei cultu pio continetur. I, 42.

Superstition is a senseless fear of God, religion the pious worship of God.

Opinionis enim commenta delet dies, naturae judicia confirmat. II, 2, 7.

Time effaces the utterances of opinion, and confirms the judgments of nature.

Quid potest esse tam apertum, tamque perspicuum, cum coelum suspeximus, coelestiaque contemplati sumus, quam

esse aliquod numen praestantissimae mentis, quo haec regantur? *De Natura Deorum.*

Quod qui dubitet, haud sane intelligo, cur non idem, sol sit, an nullus sit, dubitare possit. Quid enim est hoc illo evidentius? Quod nisi cognitum comprehensumque animis haberemus, non tam stabilis opinio permaneret, nec confirmaretur, diuturnitate temporis, nec una cum seculis aetatibusque hominum inveterare potuisset. Etenim videmus, caeteras opiniones fictas atque vanas diuturnitate extabuisse. Quis enim hippocentaurum fuisse, aut chimaeram putat? quaeve anus tam excors inveniri potest, quae illa, quae quondam credebantur apud inferos portenta, extimescat? Opinionum enim commenta delet dies: naturae judicia confirmat. Itaque et in nostro populo, et in caeteris, deorum cultus religionumque sanctitates existunt in dies majores, atque meliores. II, 2.

When we view the heavens, and contemplate the celestial bodies, can anything be plainer, or appear with clearer evidence, than that there is a Deity of most consummate wisdom, by whom they are governed? He that entertains any doubt of this may, in my opinion, with equal reason, doubt the existence of the sun. For, wherein is the one more evident than the other? Had not mankind been thoroughly convinced of the truth of this opinion, it could never have acquired so firm a footing, never have been able to make its way through so many ages and generations, nor to have gained new confirmation by length of time: for we see that all other vain and fictitious notions are at length quite exploded. Who now believes there ever was an hippocentaur, or chimera? Or where is the old wife so stupidly silly as to dread the infernal monsters that were heretofore believed to exist? For time, which effaces all feigned hypotheses, establishes and confirms the judgments of nature. Hence it is, that the veneration paid the divine beings, and the sacred rites of religion, both with us, and among other nations, daily gain ground and improve.

Aegri quia non omnes convalescent, idcirco ars nulla medicina est. II, 4.

Because all the sick do not recover, therefore medicine is no art.

Superstitiones paene aniles. II, 28.

Almost old wives' superstitions.

Cultus autem deorum, est optimus, idemque castissimus, atque sanctissimus, plenissimusque pietatis, ut eos semper

De Natura Deorum.

pura, integra, incorrupta, et mente, et voce veneremur; non enim philosophi solum, verum etiam majores nostri superstitionem a religione separaverunt. II, 28.

The best, the purest, the most holy worship of the gods, and that which is most consistent with our duty, is to worship them always with purity and sincerity of words and thoughts; for not only philosophers, but even our ancestors have drawn a distinction between superstition and religion.

Nihil est praestantius deo; ab eo igitur necesse est mundum regi. Nulli igitur est naturae obediens aut subjectus deus. Omnem ergo regit ipse naturam. II, 30.

Nothing is superior to God; he must therefore govern the world. God is subject to no principle of nature, therefore he rules the whole of nature.

Meliora sunt ea, quae natura, quam illa, quae arte perfecta sunt. II, 34.

Those things which are perfected by nature are better than those things which are finished by art.

Ex quo eventurum nostri putant id, de quo Panaetium addubitare dicebant, ut ad extremum omnis mundus ignesceret. II, 46.

From which some philosophers think that that will happen which Panaetius doubts, that the whole world will at last be burnt up.

Oculi, tanquam speculatores, altissimum locum obtinent. II, 56.

The eyes, like sentinels, occupy the highest place in the body.

Deus homines humo excitatos, celsos, et erectos constituit, ut deorum cognitionem coelum intuentes, capere possent. Sunt enim homines non ut incolae, atque habitatores, sed quasi spectatores superarum rerum, atque coelestium, quarum spectaculum ad nullum aliud genus animantium pertinet. II, 56.

God has made men, springing from the ground, tall and upright, that, with eyes looking to heaven, they might acquire a knowledge of the Divine Being. For men are not to consider themselves as mere dwellers on earth, but as it were placed there to gaze on the heavens and heavenly bodies, which is the privilege of no other animated creature.

Jam vero domina rerum (ut vos soletis dicere) eloquendi vis, quam est praeclara, quamque divina! quae primum efficit, ut ea, quae ignoramus, discere et ea, quae scimus, alios docere possimus. Deinde hac cohortamur, hac persuademus, hac consolamur afflictos, hac deducimus perterritos a timore, hac gestientes comprimimus, hac cupiditates, iracundiasque restinguimus; haec nos juris, legum, urbium societate devinxit: haec a vita immani, et fera segregavit. II, 59.

How noble and divine is eloquence! the mistress of all things, as you are accustomed to say. Which, in the first place, enables us to learn those things of which we are ignorant, and to teach others those things which we know; by this we exhort; by this we persuade; by this we console the afflicted; by this we dissipate the fears of the timid; by this we restrain the eager; by this we put an end to passions and desires; it is this that has bound mankind by the community of privileges, of laws, and civil society; this it is which has removed us far from the ills of a savage and barbarous life.

Terrenorum item commodorum omnis est in homine dominatus. Nos campis, nos montibus fruimur: nostri sunt amnes, nostri lacus: nos fruges serimus, nos arbores: nos aquarum inductionibus terris foecunditatem damus; nos flumina arcemus, dirigimus, avertimus: nostris denique manibus in rerum natura quasi alteram naturam efficere conamur. II, 60.

Everything that the earth produces belongs to man: we enjoy the fields and the mountains; ours are the rivers and the lakes; we sow corn and plant trees; we give fruitfulness to the earth by irrigating the ground; we confine, direct, and turn the course of rivers; in short, by our proceedings we endeavor to form, as it were, a second nature.

Nemo vir magnus sine aliquo afflatu divino umquam fuit. II, 66.

No man was ever great without divine inspiration.

Perspicuitas enim argumentatione elevatur. III, 4.

The clearest subjects are often obscured by lengthened reasoning.

Nec fabellas aniles proferas. III, 5.

Do not tell us your old wives' tales.

De Natura Deorum.

Saepe ne utile quidem est scire, quid futurum sit; miserum est enim, nihil proficientem angi. III, 6.

Often it is disadvantageous to know what is to happen; for it is wretched to be grieved without the power of changing events.

Callidos esse appello, quorum tanquam manus opere, sic animus usu concalluit. III, 10.

I call those experienced whose minds are strengthened by knowledge, as the hands are hardened by labor.

Justitia suum cuique distribuit. III, 15.

Justice renders to everyone his due.

Fortunam nemo ab inconstantia et temeritate sejunget. III, 24.

No one will separate fortune from inconstancy and rashness.

Malitia est versuta et fallax ratio nocendi. III, 30.

Malice is a subtle and deceitful engine to work mischief.

Virtutem nemo unquam acceptam deo retulit. III, 36.

No one has ever acknowledged having received virtue from a god.

Num quis, quod bonus vir esset, gratias diis egit unquam? At quod dives, quod honoratus, quod incolumis. III, 36.

Who was ever known to thank the gods for virtue? But for wealth, for honor, for safety, many.

Judicium hoc omnium mortalium est, fortunam a deo petendam, a se ipso sumendam esse sapientiam. III, 36.

It is the universal opinion that we may pray the gods for fortune, but must provide ourselves with wisdom.

DE OFFICIIS

De Officiis.

Fortis vero, dolorem summum malum judicans; aut temperans, voluptatem summum bonum statuens, esse certe nullo modo potest. I, 2.

No man can be brave who considers pain to be the greatest evil of life, nor temperate who considers pleasure to be the highest good.

Nulla enim vitae pars neque publicis, neque privatis; neque forensibus, neque domesticis in rebus; neque si tecum agas quid, neque si cum altero contrahas, vacare officio potest: in eoque et colendo sita vitae est honestas omnis, et in negligendo turpitudo. I, 2. *De Officiis.*

There is no kind of life, whether we are transacting public or private affairs, at home or abroad — those in which we are alone concerned or with others — that is free of obligations. In the due discharge of these consists all the dignity, and in their neglect all the disgrace, of life.

Sed inter hominem, et beluam hoc maxime interest, quod haec tantum, quantum sensu movetur, ad id solum, quod adest, quodque praesens est, se accommodat, paulum admodum sentiens praeteritum, aut futurum. Homo autem, quod rationis est particeps, per quam consequentia cernit, causas rerum videt, earumque progressus, et quasi antecessiones non ignorat, similitudines comparat, et rebus praesentibus adjungit, atque annectit futuras: facile totius vitae cursum videt, ad eamque degendam praeparat res necessarias. I, 4.

Between man and the lower animals there is this great distinction, that the latter, moved by instinct, look only to the present and what is before them, paying but little attention to the past or the future. Whereas man, from being endued with reason, by means of which he sees before and after him, discovers the causes of events and their progress, is not ignorant of their antecedents, is able to compare analogies, and to join the future to the present; so he easily sees before his mind's eye the whole path of life, and prepares things necessary for passing along it.

Imprimisque hominis est propria veri inquisitio atque investigatio. I, 4.

The first duty of man is the seeking after and investigation of truth.

Formam quidem ipsam, Marce fili, et tanquam faciem honesti vides; quae si oculis cerneretur, mirabiles amores excitaret sapientiae. I, 5.

Thou seest, my son Marcus, the very form and features, as it were, of virtue; and could it only be beheld by our eyes, it would rouse in us a wonderful love of wisdom.

De Officiis. Omnes enim trahimur et ducimur ad cognitionis, et scientiae cupiditatem: in qua excellere pulchrum putamus: labi autem, errare, nescire, decipi, et malum, et turpe ducimus. I, 6.

We are all drawn and attracted to the desire of knowledge and learning, in which we think it honorable to excel; but to make mistakes and to be ignorant we regard as base and disgraceful.

Virtutis enim laus omnis in actione consistit. I, 6.

The whole merit of virtue consists in the practice of virtue.

Sed quoniam (ut praeclare scriptum est a Platone) non nobis solum nati sumus, ortusque nostri partem patria vindicat, partem amici: atque (ut placet Stoicis) quae in terris gignantur, ad usum hominum omnia creari, homines autem hominum causa esse generatos, ut ipsi inter se, aliis alii prodesse possent: in hoc naturam debemus ducem sequi, communes utilitates in medium afferre, mutatione officiorum, dando, accipiendo: tum artibus, tum operâ, tum facultatibus devincire hominum inter homines societatem. I, 7.

But seeing (as has been well said by Plato) we have not been born for ourselves alone, but that our country claims one part of us, our friends another, and, as the Stoics declare, all the productions of the earth have been created for the use of men, whereas men are born in order that they should assist one another: in this we ought to follow nature as our guide, to bring into the common stock whatever is useful by an interchange of good offices, at one time giving, at another receiving, to bind men in union with each other by arts, by industry, and by all the faculties of our mind.

Fundamentum autem est justitiae fides, id est dictorum conventorumque constantia et veritas. I, 7.

The foundation of justice is good faith; that is to say, a true and unswerving adherence to promises and covenants.

In maximis animis splendidissimisque ingeniis plerumque existunt, honoris, imperii, potentiae, gloriae cupiditates. I, 8.

In men of the highest character and noblest genius there generally exists insatiable desire of honor, command, power, and glory.

Nulla sancta societas
Nec fides regni est.
[Ennius, quoted by Cicero] I, 8.

There is no holy bond, and no fidelity
'Twixt those who share a throne.

Omnia jura divina atque humana pervertit propter eum quem sibi ipse opinionis errore finxerat principatum. I, 8 [of Caesar].

He disregarded all laws, human and divine, in pursuit of the dominion which, by an error of judgment, he had allotted to himself.

Quocirca bene praecipiunt, qui vetant quidquam agere, quod dubites, aequum sit, an iniquum. Aequitas enim lucet ipsa per se: dubitatio cogitationem significat injuriae. I, 9.

Wherefore wisely do those admonish us who forbid us to do anything of which we may be in doubt, whether it is right or wrong. What is right shines with unreflected luster, whereas hesitation insinuates a suspicion of something wrong.

Fundamenta justitiae: primum, ut ne cui noceatur; deinde, ut communi utilitati serviatur. I, 10.

The fundamental principles of justice are, first, that no injury be done to anyone; and, secondly, that it be subservient to the public good.

Ex quo illud: *summum jus, summa injuria;* factum est jam tritum sermone proverbium. I, 10.

Hence "strictness of law is sometimes extreme injustice" has passed into a trite proverb.

Semper in fide quid senseris, non quid dixeris, cogitandum. I, 13.

In honorable dealing we must consider what we intended, not what we said.

Autem injustitiae nulla capitalior est, quam eorum, qui um cum maxime fallunt, id agunt, ut viri boni esse videantur. I, 13.

In acts of wickedness there is nothing greater than that of those who, when they deceive, so manage that they seem to be virtuous and upright men.

De Officiis. Meminerimus etiam adversus infimos justitiam esse servandam. I, 13.

Let us remember that justice must also be observed even to inferiors.

Qui aliis nocent, ut in alios liberales sint, in eadem sunt injustitia, ut si in suam rem aliena convertant. I, 14.

Those who injure some to benefit others are acting as wrongfully as if they were turning other persons' property to their own use.

Multi enim faciunt multa temeritate quadam, sine judicio, vel modo, in omnes, vel repentino quodam, quasi vento, impetu animi incitati: quae beneficia aeque magna non sunt habenda, atque ea, quae judicio, considerate, constanterque delata sunt. Sed in collocando beneficio, et in referenda gratia, si cetera paria sint, hoc maxime officii est, ut quisque maxime opis indigeat, ita ei potissimum opitulari: quod contra fit a plerisque. A quo enim plurimum sperant, etiamsi ille his non eget, tamen ei potissimum inserviunt. I, 15.

For many men act recklessly and without judgment, conferring favors upon all, incited to it by a sudden impetuosity of mind: the kindnesses of these men are not to be regarded in the same light or of the same value as those which are conferred with judgment and deliberation. But in the conferring and requiting of a favor, if other things be equal, it is the duty of a man to assist where it is most required. The very opposite of this often takes place, for men assist those from whom they hope to receive in return, even though they do not require it.

Nullum enim officium referenda gratia magis necessarium est. I, 15.

There is no duty more obligatory than the repayment of a kindness.

Demus, necne, in nostra potestate est; non reddere, viro bono non licet, modo id facere possit sine injuria. I, 15.

Whether we give or not is for us to decide, but no honest man may refuse to pay back, provided he can do so without prejudice to others.

Ratio et oratio conciliant inter se homines. Neque ulla re longius absumus a natura ferarum. I, 16.

It is reason and speech that unite men to each other; nor is there anything else in which we differ so entirely from the brute creation.

Pati ab igne ignem capere, si quis velit. I, 16.

Let who will light his fire from yours.

Prima societas in ipso conjugio est: proxima in liberis: deinde una domus, communia omnia. I, 17.

The first bond of society is the marriage tie: the next our children; then the whole family of our house, and all things in common.

Sed cum omnia ratione, animoque lustraris, omnium societatum nulla est gravior, nulla carior, quam ea, quae cum republica est unicuique nostrum: cari sunt parentes, cari liberi, propinqui, familiares: sed omnes omnium caritates patria una complexa est: pro qua quis bonus dubitet mortem oppetere, si ei sit profuturus? I, 17.

But, when thou considerest everything carefully and thoughtfully, of all societies none is of more importance, none more dear than that which unites us with the commonwealth. Our parents, children, relations, and neighbors are dear, but our fatherland embraces the whole round of these endearments; in defense of which, who would not dare to die if only he could assist it?

Qui ex errore imperitae multitudinis pendet, hic in magnis viris non est habendus. I, 19.

That man is not to be considered among the great who depends on the errors of the foolish multitude.

Facillime autem ad res injustas impellitur, ut quisque est altissimo animo, et gloriae cupiditate. Qui locus est sane lubricus, quod vix invenitur, qui, laboribus susceptis, periculisque aditis, non quasi mercedem rerum gestarum desiderat gloriam. I, 19.

The man who is of the highest spirit and most influenced by the desire of glory is most easily excited to the commission of injustice. Such a position is indeed of a slippery character, for there is scarcely to be found a man who, when he has undertaken

De Officiis. labors and undergone dangers, does not look to glory as their reward.

Nihil enim honestum esse potest quod justitia vacat. I, 19.

Right cannot be where justice is not.

Multi autem et sunt, et fuerunt, qui eam, quam dico, tranquillitatem expetentes, a negotiis publicis se removerint, ad otium que perfugerint. . . . . His idem propositum fuit, quod regibus, ut ne qua re egerent, ne cui parerent, libertate uterentur: cujus proprium est, sic vivere, ut velis. Quare, cum hoc commune sit potentiae cupidorum cum iis, quos dixi, otiosis: alteri se adipisci id posse arbitrantur, si opes magnas habeant; alteri, si contenti sint et suo, et parvo. In quo neutrorum omnino contemnenda est sententia: sed et facilior, et tutior, et minus aliis gravis, aut molesta vita est otiosorum: fructuosior autem hominum generi, et ad claritatem, amplitudinemque aptior eorum, qui se ad rempublicam et ad res magnas gerendas accomodaverunt. I, 20, 21.

There are, and have been, many men who, desiring that life of tranquillity which I have been describing, have retired from public affairs, and devoted themselves to the pleasures of private life. These have had the same object in view as men in high rank — namely, that they should stand in need of nothing, be the slave of no one, enjoy perfect liberty; the peculiar characteristic of which kind of life is, that a man lives according to his own will and pleasure. Wherefore, since those desirous of power have this in common with those lovers of retirement whom I have described, the one think they are able to obtain it by the possession of great wealth, and the other by being content with their own small competency. The idea of neither of these is to be altogether disregarded, but the life of the inactive is easier, safer, less burdensome and annoying to others, whereas those, who devote themselves to public life and the management of great affairs are more advantageous to mankind, and rise to greater glory and honor.

Nihil est tam angusti animi, tamque parvi, quam amare divitias: nihil honestius, magnificentiusque, quam pecuniam contemnere, si non habeas: si habeas, ad beneficientiam, liberalitatemque conferre. I, 20.

Nothing is a greater proof of a narrow and grovelling disposition than to be fond of riches, while nothing is more noble and

exalted than to despise money, if thou hast it not; and if thou hast it, to employ it in acts of beneficence and liberality.

In omnibus negotiis, prius, quam aggrediare, adhibenda est praeparatio diligens. I, 21.

In all affairs, before thou undertakest them a diligent preparation should be made.

Parvi enim sunt foris arma, nisi est consilium domi. I, 22.

Of little value is valor abroad, unless there be wise counsels at home.

Cedant arma togae, concedat laurea laudi. I, 22.

Let the sword yield to the gown, let the laurel give place to honest worth.

Fortis vero et constantis est, non perturbari in rebus asperis, nec tumultuantem de gradu dejici, ut dicitur; sed praesentis animi uti consilio, nec a ratione discedere. I, 23.

It is the character of a brave and resolute man not to be ruffled with adversity and not to be in such confusion as to desert his post, as we say, but to preserve presence of mind and the exercise of reason without departing from his purpose.

Cum tempus, necessitasque postulat, decertandum manu est, et mors servituti, turpitudinique anteponenda. I, 23.

When time and necessity require it, we should resist with all our might, and prefer death to slavery and disgrace.

Quamquam hoc animi, illud etiam ingenii magni est, praecipere cogitatione futura, et aliquanto ante constituere, quid accidere possit in utramque partem: et, quid agendum sit, cum quid evenerit; nec committere, ut aliquando dicendum sit, *Non putaram*. Haec sunt opera magni animi, et excelsi, et prudentia, consilioque fidentis. I, 23.

Though the one is a proof of a high spirit, the other is that of a lofty intellect to anticipate coming events by forethought, and to come to a conclusion somewhat in advance of what may possibly happen in either case, and what ought to be done in that event, and not to be obliged sometimes to say, "I had never thought it." These are the acts of a powerful and sagacious mind, one who trusts in his own prudence and plans.

De Officiis. Bellum autem ita suscipiatur, ut nihil aliud nisi pax quaesita videatur. I, 23.

We should so enter upon war as to show that our only desire is peace.

Est viri magni, rebus agitatis, punire sontes: multitudinem conservare: in omni fortuna, recta, atque honesta retinere. I, 24.

It is the duty of a great man, in a revolutionary age, to punish the guilty, to be kind to the lower orders, and in all states of fortune to do what is straightforward and honorable.

Nunquam periculi fuga committendum est, ut imbelles timidique videamur: sed fugiendum etiam illud, ne offeramus nos periculis sine causa, quo nihil potest esse stultius. I, 24.

We should never by shunning dangers cause ourselves to seem cowardly and timid, but we should also avoid unnecessarily exposing ourselves to danger, than which nothing can be more foolish.

Nihil enim laudabilius, nihil magno et praeclaro viro dignius placabilitate atque clementiâ. I, 25.

Nothing is more praiseworthy, nothing more suited to a great and illustrious man than placability and a merciful disposition.

Cavendum est etiam ne major poena quam culpa sit, et ne iisdem de causis alii plectantur, alii ne appellentur quidem. I, 25.

We must take care that crimes be not more severely punished than they deserve, and that one should not be punished for a fault, respecting which another is not even called in question.

Prohibenda autem maxime est ira in puniendo, numquam enim, iratus qui accedet ad poenam, mediocritatem illam tenebit, quae est inter nimium et parum. I, 25.

Above all things in punishing we must guard against passion; for the man who is in a passion will never observe the mean between too much and too little.

Cavendum est etiam, ne major poena, quam culpa sit; et ne iisdem de caussis alii plectantur, alii ne appellentur quidem. I, 25.

We must take care that the punishment is not in excess of the crime, and that it is not inflicted on some only, while others equally guilty are not even brought to trial.

In rebus prosperis, ... superbiam, fastidium, arrogantiamque magno opere fugiamus. I, 26.

In prosperity let us particularly avoid pride, disdain, and arrogance.

Recte praecipere videntur, qui monent, ut quanto superiores sumus, tanto nos geramus summissius. I, 26.

Rightly do those teach who admonish us that we should be the more humble in proportion to our high rank.

Ut adversas res, secundas immoderate ferre, levitatis est. I, 26.

It shows a weak mind not to bear adversity and prosperity with moderation.

Negligere quid de se quisque sentiat, non solum arrogantis est, sed etiam omnino dissoluti. I, 28.

To pay no attention to what is said of one, is a mark not of pride only, but of complete want of principle.

Efficiendum est ut appetitus rationi obediant eamque neque praecurrant nec propter pigritiam aut ignaviam deserant, sintque tranquilli atque omni perturbatione animi careant. I, 29.

We must take care that our appetites be obedient to reason, neither outrunning it nor lagging behind from sluggishness or languor, and that these be in a state of tranquillity, and free from all disturbing influences.

Facilis igitur est distinctio ingenui et illiberalis joci, alter est, si tempore fit, ac remisso animo, libero dignus: alter ne homine quidem, si rerum turpitudini adhibetur verborum obscoenitas. I, 29.

The distinction between a delicate witticism and a low, rude joke is very perceptible; the former may be indulged in, if it be seasonable, and in hours of relaxation, by a virtuous man; the latter, if indecent gestures and obscenity of language be used, is unworthy even of a human being.

De Officiis. Ludendi etiam est quidam modus retinendus, ut ne nimis omnia profundamus, elatique voluptate in aliquam turpitudinem delabamur. I, 29.

There is a certain limit to be observed even in our amusements, that we do not abandon ourselves too much to a life of pleasure, and, carried away by such a life, sink into immorality.

Ludo autem, et joco uti illo quidem licet: sed sicut somno, et quietibus ceteris tum cum gravibus, seriisque rebus satisfecerimus. I, 29.

Sport and merriment are at times allowable; but we must enjoy them as we do sleep and other kinds of repose — when we have performed our weighty and important affairs.

Neque enim ita generati a natura sumus, ut ad ludum et jocum facti esse videamur; sed ad severitatem potius, et ad quaedam studia graviora et majora. I, 29.

Nature has not, in man, produced a being apparently fitted only for sport and jest, but one destined for more serious things, for higher and nobler pursuits.

Hominis mens discendo alitur et cogitando semper aliquid aut anquirit aut agit, videndique et audiendi delectatione ducitur. I, 30.

The mind of man is improved by learning and reflection; it is always searching into or doing something, and is led forward by the pleasurable enjoyment of the eye and the ear.

Veritatis cultores, fraudis inimici. I, 30.

Followers of truth, enemies of deceit.

Id enim maxime quemque decet, quod est cujusque suum maxime. I, 31.

A man's own manner and character is what best becomes him.

Ex quo magis emergit, quale sit decorum illud, ideo, quia nihil decet invita (ut ajunt) Minerva, id est adversante, et repugnante natura. I, 31.

Hence it is the more evident in what the graceful consists, on this account, because there is nothing becoming which goes against the grain (as is the proverb) — that is to say, when nature resists and opposes.

Sic enim est faciendum, ut contra universam naturam nihil contendamus: ea tamen conservata propriam nostram sequamur; ut, etiam si sint alia graviora atque meliora, tamen nos studia nostra nostrae naturae regula metiamur. I, 31.

In all that we do we should avoid going contrary to nature, but with that reservation we should follow our own bent; so that, though other pursuits may be higher and nobler, we should measure our own by our own natural capacity.

Haec differentia naturarum tantam habet vim, ut nonnunquam mortem sibi ipse consciscere alius debeat, alius in eadem caussa non debeat. I, 31.

This difference in men's nature is so powerful in its operation, that it may even on occasion be one man's duty to compass his own death, while the same circumstances would not justify another man in so doing.

Suum quisque igitur noscat ingenium, acremque se et bonorum et vitiorum suorum judicem praebeat; ne scenici plus quam nos videantur habere prudentiae. I, 31.

Every man should study his own character, and constitute himself a keen judge of his own merits and demerits; else it will be said that the dramatists have more insight than we.

In primis constituendum est, quos nos et quales esse velimus, et in quo genere vitae: quae deliberatio est omnium difficillima. Ineunte autem adolescentia, cum est maxima imbecillitas consilii, tum id sibi quisque genus aetatis degendae constituit, quod maxime adamavit; itaque ante implicatur aliquo certo genere cursuque vivendi, quam potuit, quod optimum esset, judicare. I, 32.

We ought particularly to determine what kind of characters we wish to be, and what is to be the course of our life, which is a matter of great difficulty. For in early youth, when the judgment is weak, everyone selects the kind of life which he prefers; therefore he is fixed in a certain definite course before he is able to judge which is best for him.

Illud maxime rarum genus est eorum, qui aut excellenti ingenii magnitudine, aut praeclara eruditione atque doctrina, aut utraque re ornati, spatium deliberandi habuerunt, quem potissimum vitae cursum sequi vellent. I, 33.

De Officiis.

The rarest class is made up of those who, either from the possession of exalted genius, or furnished with excellent education and learning, or having both, have been allowed time to make up their mind what course of life they would wish to embrace.

Optima autem hereditas a patribus traditur liberis, omnique patrimonio praestantior, gloria virtutis rerumque gestarum: cui dedecori esse, nefas judicandum est. I, 33.

The best legacy a father can leave to his children, a legacy worth far more than the largest patrimony, is the fame of a virtuous and well-spent life. He who disgraces such a bequest is deserving of infamy.

Privatum autem oportet aequo, et pari cum civibus jure vivere, neque submissum et abjectum, neque se efferentem: tum in republica ea velle, quae tranquilla, et honesta sint; talem enim et sentire bonum civem, et dicere solemus. I, 34.

A private citizen ought to live on terms of equality with his fellow-citizens, neither cringing nor subservient, nor haughty nor insolent; he ought to be favorable to measures in the state which lead to peace and quietness, for such we consider to be the character of a virtuous and upright citizen.

Peregrini autem, et incolae officium est, nihil praeter suum negotium agere, nihil de alio anquirere, minimeque in aliena esse republica curiosum. I, 34.

A foreigner and an alien ought to attend to nothing but his own business, never to meddle with the affairs of others, and least of all to pry into the concerns of a foreign state.

Nihil est, quod tam deceat, quam in omni re gerenda, consilioque capiendo servare constantiam. I, 34.

Nothing is more becoming than in all our actions and in all our deliberations to observe consistency of conduct.

Cum autem pulchritudinis duo genera sint, quorum in altero venustas sit, in altero dignitas; venustatem, muliebrem ducere debemus; dignitatem, virilem. Ergo et a forma removeatur omnis viro non dignus ornatus: et huic simile vitium in gestu, motuque caveatur. I, 36.

But, as there are two kinds of beauty, in the one of which is loveliness, in the other dignity; we ought to regard loveliness as

the quality of woman, dignity that of man. Therefore, let every ornament unworthy of a man be removed from his person, and let him guard against any similar defect in his gestures and movements. *De Officiis.*

Adhibenda est praeterea munditia non odiosa, neque exquisita nimis; tantum quae fugiat agrestem, et inhumanam negligentiam. Eadem ratio est habenda vestitus; in quo (sicut in plerisque rebus) mediocritas optima est. I, 36.

Besides, we must be neat in our person, though not over particular, and let us shun boorish and ungentlemanlike slovenliness. The same principles must be applied to our dress, in which, as in most things, a mean is to be observed.

Nec vero, tanquam in possessionem suam venerit, excludat alios: sed cum reliquis in rebus, tum in sermone communi, vicissitudinem non iniquam putet. I, 37.

A conversationalist must not exclude others from conversation at the dinner-table, as if it were his own possession, but he ought to regard mutual interchange of ideas to be the rule in conversation as in other things.

Deforme etiam est, de se ipso praedicare, falsa praeserim, et cum irrisione audientium, imitari militem gloriosum. I, 38.

It is a silly thing to brag loudly of one's own doings (the more so if it be false), and to imitate the braggadocio-soldier in the play, telling falsehoods to the great amusement of the company.

Odiosum est enim, cum a praetereuntibus dicitur: "O domus antiqua, heu, quam dispari dominare domino!" I, 39.

It is a disgraceful thing when the passers-by exclaim, "O ancient house! alas, how unlike is thy present master to thy former lord!"

Ornanda enim est dignitas domo, non ex domo tota quaerenda: nec domo dominus, sed domino domus honestanda est. I, 39.

Your house may add luster to your dignity, but it will not suffice that you should derive all your dignity from your house: the master should ennoble the house, not the house the master.

De Officiis.

Fit enim, ut magis in aliis cernamus, quam in nobismet ipsis, si quid delinquitur. I, 41.

For it happens that we are more quicksighted as to the faults of others than to our own.

Prudentia est rerum expetendarum fugiendarumque scientia. I, 43.

Prudence is the knowledge of things to be sought and to be avoided.

Quibus rebus intelligitur, studiis, officiisque scientiae, praeponenda esse officia justitiae, quae pertinent ad hominum utilitatem; qua nihil homini esse debet antiquius. I, 43.

Hence it may be understood that the studies and pursuits of literature ought to be deferred to the study of law, which relates to the interests of the human race, than which there ought to be nothing more important to man.

Docti neque solum vivi, atque praesentes studiosos discendi erudiunt, atque docent: sed hos idem etiam post mortem monumentis litterarum assequuntur. I, 44.

Learned men not only instruct and educate those who are desirous to learn, during their life, and while they are present among us, but they continue to do the same after death by the monuments of their learning which they leave behind them.

Ob eam causam eloqui copiose, modo prudenter, melius est, quam vel acutissime sine eloquentia cogitare: quod cogitatio in se ipsa vertitur, eloquentia complectitur eos, quibuscum communitate juncti sumus. I, 44.

On this account it is more serviceable to the public to speak eloquently, provided it is with prudence, than to think ever so accurately, if it be destitute of eloquence; for thought terminates in itself, whereas eloquence embraces all those with whom we are united in the society of life.

Omne officium, quod ad conjunctionem hominum, et ad societatem tuendam valet, anteponendum est illi officio quod cognitione et scientia continetur. I, 44.

Every duty which, when properly performed, tends to promote the unity of humanity and to preserve society, should be held more sacred than that which is confined to the acquisition of information and knowledge.

Quid est optabilius sapientia? quid praestantius? quid homini melius? quid homini dignius? Hanc igitur qui expetunt, *Philosophi* nominantur: nec quidquam aliud est *philosophia,* si interpretari velis, quam studium sapientiae. Sapentia autem est, (ut a veteribus philosophis definitum est) rerum divinarum et humanarum, causarumque, quibus hae res continentur, scientia: cujus studium qui vituperat, haud sane intelligo, quidnam sit, quod laudandum putet. Nam sive oblectatio quaeritur animi, requiesque curarum; quae conferri cum eorum studiis potest, qui semper aliquid anquirunt, quod spectet et valeat ad bene beateque vivendum? sive ratio constantiae, virtutisque quaeritur: aut haec ars est, aut nulla omnino, per quam eas assequamur. Nullam dicere maximarum rerum artem esse, cum minimarum sine arte nulla sit, hominum est parum considerate loquentium, atque in maximis rebus errantium. Si autem est aliqua disciplina virtutis, ubi ea quaeretur, cum ab hoc discendi genere discesseris. II, 2. *De Officiis.*

What so desirable as wisdom? What more excellent in itself, so useful to man, or better deserving his pursuit? Hence they who are possessed with an earnest desire to acquire it are called Philosophers; for Philosophy, in the precise meaning of the word, signifies the love of wisdom. Now wisdom, as defined by the ancient sages, is the knowledge of things divine and human, with their efficient causes. Whoever despises this study, I know not what he can think worthy of his approbation: for whether an agreeable amusement, or freedom from care, be the object of his desires; what is comparable to those studies which are always taken up in searching after the means of attaining a good and happy life? Or, is he desirous of learning the principles of virtue and true courage? here, or nowhere, is to be found the art of acquiring them. They who affirm that there is no art in things of the greatest moment, while nothing however small and trifling is performed without its aid, are guilty of the grossest error, and must be men of no consideration. Now if there be any science of virtue, where shall it be learned, if not in the school of philosophy?

Nos autem, ut ceteri alia certa, alia incerta esse dicunt, sic ab his dissidentes alia probabilia, contra alia dicimus. II, 2.

Where others say that some things are certain, others uncertain, we, differing from them, say that some things are probable, others improbable.

De Officiis.

Deos placatos pietas efficiet et sanctitas. II, 3.

Piety and holiness of life will propitiate the gods.

Nulla tam detestabilis pestis est, quae non homini ab homine nascatur. II, 5.

There is no plague of so fearful a character that it may not be communicated to man from man.

Utitur, in re non dubia, testibus non necessariis. II, 5.

In a case which admits of no doubt he is calling unnecessary witnesses.

Proprium hoc statuo esse virtutis, conciliare animos hominum, et ad usus suos adjungere. II, 5.

It is Virtue's province to win her way into the hearts of men, and bind them to her service.

Magnam vim esse in fortuna in utramque partem, vel secundas ad res, vel adversas, quis ignorat? nam et cum prospero flatu ejus utimur, ad exitus pervehimur optatos: et cum reflavit, affligimur. II, 6.

Who does not know the influence that fortune exercises both upon our prosperity and adversity? For when we sail with her favoring breeze, we are carried forward to the wished-for port, and when she blows against us, we are in distress.

Male enim se res habet, quum quod virtute effici debet, id tentatur pecunia. II, 6.

Things are in a bad way when money is used to effect what should be accomplished by valor.

Malus enim custos diuturnitatis metus; contraque benevolentia fidelis est vel ad perpetuitatem. II, 7.

Fear is an untrustworthy guardian of constancy, but a kindly heart is faithful even to the end of the world.

Qui se metui volent, a quibus metuentur, eosdem metuant ipsi necesse est. II, 7.

Those who desire to be feared cannot but fear those by whom they are feared.

Voluptates, blandissimae dominae, majores partes animi a virtute detorquent; et dolorum cum admoventur faces,

praeter modum plerique exterrentur: vita, mors, divitiae, paupertas, omnes homines vehementissime permovent. Quae qui in utramque partem excelso animo, magnoque despiciunt, cumque aliqua his ampla, et honesta res objecta est, totas ad se convertit, et rapit, tum quis non admiretur splendorem, pulchritudinemque virtutis. II, 10. *De Officiis.*

Pleasures, those alluring mistresses, divert the great majority of mankind from the path of virtue; and when the torch of affliction is applied they are terrified beyond measure. All men feel strongly life, death, riches, and poverty. As to those who, with a high and noble spirit, look on such things with an indifferent eye, men, whom a great and lofty object, when it is presented, draws and absorbs to itself, in such cases who can refrain from admiring the splendor and beauty of their high-principled conduct?

Contemnuntur ii, qui *nec sibi nec alteri,* ut dicitur; in quibus nullus labor, nulla industria, nulla cura est. II, 10.

We despise those who, as the saying goes, are no good either to themselves or to anyone else; who are neither laborious, nor industrious, nor careful.

Justitia, ex qua virtute viri boni appellantur, mirifica quaedam multitudini videtur; nec injuria; nemo enim justus esse potest, qui mortem, qui dolorem, qui exilium, qui egestatem timet, aut qui ea, quae sunt his contraria, aequitati anteponit. II, 11.

Justice, the possession of which virtue entitles men to be called good, is looked upon by the masses as something miraculous; and rightly so, for no one can be just who fears death, pain, exile, or poverty, or who ranks the opposites of these above equity.

Maxime admirantur eum, qui pecunia non movetur: quod in quo viro perspectum sit, hunc igni spectatum arbitrantur. II, 11.

Men particularly admire him who is not to be influenced by money; for in whomsoever they see this quality strongly marked, they regard him as ore purified by fire.

Quin etiam leges latronum esse dicuntur, quibus pareant, quas observent. II, 11.

Even thieves are said to have laws which they obey, which they observe.

De Officiis. Quamquam praeclare Socrates, hanc viam ad gloriam proximam et quasi compendiariam dicebat esse, si quis id ageret, ut, qualis haberi vellet, talis esset. Quod si qui simulatione, et inani ostentatione, et ficto non modo sermone, sed etiam vultu, stabilem se gloriam consequi posse rentur, vehementer errant. Vera gloria radices agit, atque etiam propagatur: ficta omnia celeriter, tamquam flosculi, decidunt, nec simulatum potest quidquam esse diuturnum. II, 12.

Well did Socrates say, that this was the nearest and the shortest road to glory, when a man acted so that he was such as he wished to be considered. Whereas those are greatly mistaken who think that they can obtain permanent glory by hypocrisy, vain pretense, and disguised words and looks. True glory strikes its roots deep, and spreads them on all sides; everything false disappears quickly, like spring flowers, nor can anything, that is untrue, be of long duration.

Prima commendatio proficiscitur a modestia, tum pietate in parentes, tum in suos benevolentia. II, 13.

The chief recommendation of a young man is modesty, obedience to parents, and affection for relations.

Habendum est religioni, nocentem aliquando, modo ne nefarium, impiumque defendere; vult hoc multitudo, patitur consuetudo, fert etiam humanitas. II, 14.

We ought to consider it a duty to defend the guilty, provided he be not an abominable and impious wretch. Mankind desires this, custom allows it, and even humanity is willing to tolerate it.

Sed tamen difficile dictu est, quantopere conciliet animos hominum comitas, affabilitasque sermonis. II, 14.

But yet it is difficult to say how much men's minds are conciliated by a kind manner and affability of speech.

Quid est tam inhumanum quam eloquentiam, a natura ad salutem hominum et ad conservationem datam, ad bonorum pestem perniciemque convertere? II, 14.

What more barbarous than to pervert eloquence, which is a gift of nature for the salvation and preservation of mankind, to the ruin and destruction of the good?

Judicis est semper in causis verum sequi; patroni non- *De Officiis.*
nunquam verisimile, etiam si minus sit verum, defendere. II, 14.

It is always the judge's business in a suit to endeavor to get at the truth: it may sometimes be the duty of the advocate to defend a probable hypothesis, even though it be not quite the truth.

Non ita claudenda est res familiaris, ut eam benignitas aperire non possit: nec ita reseranda, ut pateat omnibus, modus adhibeatur, isque referatur ad facultates. II, 15.

Our purse should not be so closed that our kind feelings cannot open it, nor yet so unfastened that it lies open to all. A limit should be set, and it should depend upon our means.

Omnino meminisse debemus id, quod a nostris hominibus saepissime usurpatum, jam in proverbii consuetudinem venit, largitionem fundum non habere; etenim quis potest modus esse, cum et idem qui consuerunt, et idem illud alii desiderent. II, 15.

We ought particularly to remember this, as it is often in the mouths of the men of the present day, and has even passed into a proverb, that "a bountiful disposition has no bottom." For where can there be any moderation when both those who are accustomed to get and also others are anxious for the same thing?

Largitionem fundum non habere. II, 15.

Charity's money-bags are bottomless.

Nam praeclare Ennius:

"Benefacta male locata, malefacta arbitror."

II, 18.

Well has Ennius said, "Kindnesses misplaced are nothing but a curse and disservice."

Omnes enim immemorem beneficii oderunt, eamque injuriam in deterrenda liberalitate sibi etiam fieri, eumque qui faciat communem hostem tenuiorum putant. II, 18.

All men detest ingratitude, as being an injury done to themselves, by the effect it has of discouraging generosity, and the ingrate they look upon as the common enemy of the poor.

Commode autem quicumque dixit, pecuniam qui habeat, non reddidisse: qui reddiderit, non habere: gratiam autem et qui retulerit, habere: et qui habeat, retulisse. II, 20.

De Officiis.

Now it was well said, whoever said it, "That he who hath the loan of money has not repaid it; and he who has repaid it has not the loan; but he who has acknowledged a kindness has it still; and he who has a feeling of it has requited it."

Tum illud male: "non esse in civitate duo millia hominum, qui rem haberent." Capitalis oratio, et ad aequationem bonorum pertinens: qua peste quae potest esse major? II, 21.

He said very unwisely, "That there were not two thousand men of property in the whole state." A speech well worthy of notice, and which aimed at the equalizing of property, than which there is no principle more pernicious in a state.

Labefactant fundamenta reipublicae; concordiam primum, quae esse non potest, quum aliis adimuntur, aliis condonantur pecuniae; deinde aequitatem, quae tollitur omnis, si habere suum cuique non licet. II, 22.

They are uprooting the very foundations of the state; first, harmony, which cannot exist when property is taken by force from some to be presented to others; next, justice, which is destroyed when a man is not permitted to retain possession of his own.

Non enim numero haec judicantur, sed pondere. II, 22.

Not number but weight is our test in these matters.

Sed valitudo sustentatur notitia sui corporis; et observatione, quae res aut prodesse soleant, aut obesse; et continentia in victu omni, atque cultu, corporis tuendi causa; et praetermittendis voluptatibus; postremo arte eorum, quorum ad scientiam haec pertinent. II, 24.

Good health is to be secured by an acquaintance with our constitutions, and by observing what things benefit or injure us; by temperance in living, which tends to preserve the body; by refraining from sensuality; in short, by employing the skill of those who have devoted themselves to the study of the human body.

Publium Scipionem, Marce fili, eum, qui primus Africanus appellatus est, dicere solitum scripsit Cato, qui fuit fere ejus aequalis, *"Numquam se minus otiosum esse, quam cum otiosus; nec minus solum, quam cum solus esset."* Magnifica vero vox, et magno viro, ac sapiente digna: quae declarat, illum et in otio de negotiis cogitare, et in

solitudine secum loqui solitum; ut neque cessaret umquam, et interdum colloquio alterius non egeret. Itaque duae res, quae languorem afferunt ceteris, illum acuebant, otium, et solitudo. III, 1.

My son Marcus, Cato tells us that Publius Scipio, he who was called Africanus the Elder, used to say "that he was never less at leisure than when he was at leisure, nor less alone than when he was alone." A splendid saying, and worthy of a great and wise man, which shows that he used to deliberate on affairs in his leisure hours, and to converse with himself when he was alone. so that he never was idle, and sometimes did not require the society of others. Therefore the two things which cause ennui to others — namely, retirement and solitude — roused him.

Sic ab hominibus doctis accepimus, non solum ex malis eligere minima oportere, sed etiam excerpere ex his ipsis, si quid inesset boni. III, 1.

Learned men have taught us that not only with a choice of evils we should choose the least, but that from the evil we should endeavor to extract some good.

Liceret ei dicere utilitatem aliquando cum honestate pugnare. III, 3.

He may say, if he will, that expediency sometimes clashes with honesty.

Magis est secundum naturam, pro omnibus gentibus, si fieri possit, conservandis, aut juvandis maximos labores, molestiasque suscipere. III, 5.

It is more in accordance with nature to undergo the greatest labors and annoyances, for the sake, if it were possible, of preserving or assisting all nations.

Derelictio communis utilitatis contra naturam est. III, 6.

The desertion of the common interest is contrary to nature.

Suum cuique incommodum ferendum est, potius quam de alterius commodis detrahendum. III, 6.

It is the duty of each man to bear his own discomforts, rather than diminish the comforts of his neighbor.

Nihil vero utile, quod non idem honestum: nihil honestum, quod non idem utile sit, saepe testatur: negatque,

De Officiis. ullam pestem majorem in vitam hominum invasisse, quam eorum opinionem, qui ista distraxerint. III, 7.

He often assures us that there is nothing expedient which is not also honorable, nothing honorable which is not also expedient; and he maintains that there is no greater injury done to men than by those who try to separate them.

In ipsa dubitatione facinus inest, etiamsi ad id non pervenerint. III, 8.

Wickedness resides in the very hesitation about an act, even though it be not perpetrated.

Qui stadium currit, eniti et contendere debet, quam maxime possit, ut vincat: supplantare eum, quicum certet, aut manu depellere, nullo modo debet; sic in vita sibi quemque petere, quod pertineat ad usum, non iniquum est: alteri deripere, jus non est. III, 10.

He who runs in a racecourse ought to exert himself as much as he can conquer, but ought by no means to trip up or throw down the man with whom he is contending; so in the affairs of life there is nothing wrong in a man trying to obtain what may be for his advantage, yet roguery is unlawful.

Omnia patefacienda, ut ne quid omnino, quod venditor norit, emptor ignoret. III, 12.

Everything should be disclosed, that the buyer may be ignorant of nothing which the seller knows.

Neminem id agere, ut ex alterius praedetur inscientia. III, 17.

No one should act so as to take advantage of the ignorance of his neighbor.

Ex quo intelligitur, quoniam juris natura fons sit, hoc secundum naturam esse, neminem id agere ut ex alterius praedetur inscientia. III, 17.

We must understand, therefore, that since nature is the fountain of justice, it is according to natural law that no one should take advantage of another's ignorance to his own profit.

Aliud utile interdum, aliud honestum videri solet. Falso: nam eadem utilitatis, quae honestatis est regula. Qui hoc non perviderit, ab hoc nulla fraus aberit, nullum facinus. Sic enim cogitans, *Est istuc quidem honestum, verum hoc*

expedit, res a natura copulatas audebit errore divellere: qui fons est fraudium, maleficiorum, scelerum omnium. Itaque si vir bonus habeat hanc vim, ut, si digitis concrepuerit, possit in locupletium testamenta nomen ejus irrepere; hac vi non utatur: ne si exploratum quidem habeat, id omnino neminem unquam suspicaturum. . . . . Homo justus, isque quem sentimus virum bonum, nihil cuiquam, quod in se transferat, detrahet. Hoc qui admiratur, is se, quid sit vir bonus, nescire fateatur. At vero si quis voluerit animi sui complicatam notionem evolvere, jam se ipse doceat, eum virum bonum esse, qui prosit quibus possit: noceat nemini, nisi lacessitus injuria. Quid ergo hic non noceat, qui quodam quasi veneno perficiat, ut veros heredes moveat in eorum locum ipse succedat? Non igitur faciat, dixerit quis, quod utile sit, quod expediat? Immo intelligat, nihil nec expedire, nec utile esse, quod sit injustum. Hoc qui non didicerit, bonus vir esse non poterit. III, 18, 19. *De Officiis.*

Profit and honesty sometimes appear to interfere with one another. But the case is otherwise; for the rule of both is the same. Whoever is not fully convinced of this, must be an arrant knave and villain. By such a train of thought he will be led to say, *this indeed is equitable, but that advantageous,* by such a fatal mistake disjoining things in their own nature inseparable; which is the source of all manner of treachery, injustice and wickedness. A virtuous man, therefore, though possessed of a secret to get his name inserted into the last wills of people of fortune, so easily as with a knack of his fingers, would never put it in practice, even though he certainly knew it could never be in the least suspected. A just man, or one who answers to our notion of a good man, will take nothing from another to be applied to his own use. Whoever is surprised at this assertion, tacitly confesses that he is ignorant of what constitutes the character of a good man. But would anyone take the pains to revolve this complicated idea in his own breast, he will find that the good man is one who does good to all he can, and hurts nobody, unless first provoked by ill usage. What shall we say then? Is he not an injurious person who, as it were, by the power of some drug, has the address to disinherit the true heirs, in order to succeed in their place? Shall a man, then, some may object, forbear to pursue what is profitable and advantageous? I would have such a one know that nothing unjust in itself can tend either to our advantage or profit. He that has not learnt this lesson can have no pretension to the character of a good man.

De Officiis. Cum enim fidem alicujus, bonitatemque laudant, dignum esse dicunt, quicum in tenebris mices.

For when they praise the faith, the honor, the goodness of a man, they say, "He is one with whom we may play at odd and even in the dark."

Sic multa quae honesta natura videntur esse, temporibus fiunt non honesta. III, 25.

Thus many things which seem by their nature honorable are rendered dishonorable by circumstances.

Scite Euripides: "Juravi lingua, mentem injuratam gero." III, 29.

I have sworn with my tongue, but I have a mind unsworn.

Non enim falsum jurare, perjurare est: sed, quod ex animi tui sententia juraris, sicut verbis concipitur more nostro, id non facere, perjurium est. III, 29.

For to swear falsely is not at all times to be accounted perjury, but not to perform that which you have sworn according to the intentions of your mind — "ex animi tui sententia," as our law books have it — is perjury.

Cum his viris equisque, ut dicitur, ... decertandum est. III, 33.

We must fight them, as the saying is, with foot and horse.

Aqua haeret, ut aiunt. III, 33.

The water sticks, they say.

DE ORATORE

De Oratore. Memoria est thesaurus omnium rerum et custos. I, 5.

Memory is the treasury and guardian of all things.

Quid tam regium, tam liberale, tam munificum, quam opem ferre supplicibus, excitare afflictos, dare salutem, liberare periculis? I, 8.

What is there so kinglike, so noble, so generous, as to bring aid to the suppliant, to raise up the broken in heart, to save and deliver from dangers?

Neque vero mihi quidquam praestabilius videtur, quam posse dicendo tenere hominum coetus, mentes allicere, voluntates impellere quo velit; unde autem velit, deducere. Haec una res in omni libero populo, maximeque in pacatis, tranquillisque civitatibus, praecipue semper floruit, semperque dominata est. Quid enim est aut tam admirabile, quam ex infinita multitudine hominum exsistere unum, qui id, quod omnibus natura sit datum, vel solus, vel cum paucis facere possit? aut tam jucundum cognitu, atque auditu, quam sapientibus sententiis, gravibusque verbis ornata oratio, et perpolita? aut tam potens, tamque magnificum, quam populi motus, judicum religiones, senatus gravitatem, unius oratione converti? Quid tam porro regium, tam liberale, tam munificum, quam opem ferre supplicibus, excitare afflictos, dare salutem, liberare periculis, retinere homines in civitate? Quid autem tam necessarium, quam tenere semper arma, quibus vel tectus ipse esse possis, vel provocare improbos vel te ulcisci lacessitus? I, 8. *De Oratore.*

There is nothing, I think, more truly excellent, than for a man to be able to attract, by his eloquence, the attention of a whole assembly; to charm their understandings; and to direct, or restrain, their inclinations at pleasure. This single art hath always, among free people, and especially in times of public peace and tranquillity, not only met with the highest encouragement, but reigned, as it were, paramount. Now is there anything so deserving our admiration as that amidst an infinite number of men there should be found only one, or at least but few, who are able to exercise those talents which nature has bestowed on all? Or, can anything convey so sincere a pleasure to our understanding or ear, as a discourse which to the wisest sentiments adds the luster and embellishment of expression? What greatness, what power, can compare with his who, by a single speech, can direct the caprices of the people, the consciences of judges, and even the majestic gravity of the Senate? Besides, can anything be more generous, more like a king, or more truly denote a great soul, than to lend assistance to those who desire it, relieve the oppressed, communicate happiness, protect from dangers, and preserve citizens from exile? What, on the other hand, so necessary, as to have arms always about us to annoy the malefactor, protect us from insult, and avenge ourselves when we are injured?

Hos, quos nos oratores vocaremus, nihil esse (Mnesarchus) dicebat, nisi quosdam operarios lingua celeri, et

De Oratore.

exercitata: oratorem autem, nisi qui sapiens esset, esse neminem. I, 18.

Mnesarchus used to say that those whom we called orators were nothing else but artisans with voluble and well-trained tongues, but that no one was an orator unless he was wise.

Quid est ineptius quam de dicendo dicere, quum ipsum dicere nunquam sit non ineptum nisi quum est necessarium? I, 24.

What can be more foolish than to talk about talking, when talking itself is foolish except when it is necessary?

Nihil in hominum genere rarius perfecto oratore inveniri potest. I, 28.

Nothing is more rarely found among men than a consummate orator.

Nihil est enim tam insigne nec tam ad diuturnitatem memoriae stabile, quam id in quo aliquid offenderis. I, 28.

Nothing attracts so much attention, or retains such a hold upon men's memories, as the occasion when you have made a mistake.

Stilus optimus et praestantissimus dicendi effector ac magister. I, 33.

The pen is the best and most excellent modeler and teacher of oratory.

Vere enim illud dicitur, Perverse dicere homines perverse dicendo facillime consequi. I, 33.

It is a true saying that one falsehood leads easily to another.

Juris peritorum eloquentissimus, eloquentium juris peritissimus. I, 39 [of Q. Scaevola].

The greatest orator among the lawyers, the greatest lawyer among the orators.

Omnia fere, quae sunt conclusa nunc artibus, dispersa et dissipata quondam fuerunt; ut in musicis numeri et voces et modi; in geometria lineamenta, formae, intervalla, magnitudines; in astrologia caeli conversio, ortus, obitus motusque siderum; in grammaticis poëtarum pertractatio, historiarum cognitio, verborum interpretatio, pronuntiandi quidam sonus; in hac denique ipsa ratione dicendi

excogitare, ornare, disponere, meminisse, agere disjecta quondam omnibus et diffusa late videbantur. Adhibita est igitur ars quaedam extrinsecus ex alio genere quodam; quod sibi totum philosophi adsumunt, quae rem dissolutam divulsamque, conglutinaret et ratione quadam constringeret. Sit ergo in jure civili finis hic: legitimae atque usitatae in rebus causisque civium aequabilitatis conservatio. Tum sunt notanda genera et ad certum numerum paucitatemque revocanda. Genus autem est id, quod sui similis communione quadam, specie autem differentis, duas aut pluris complectitur partis. Partes autem sunt, quae generibus eis, ex quibus manant, subiciuntur; omniaque, quae sunt vel generum vel partium nomina, definitionibus, quam vim habeant, est exprimendum. Est enim definitio rerum earum, quae sunt eius rei propriae, quam definire volumus, brevis et circumscripta quaedam explicatio. Hisce ego rebus exempla adjungerem, nisi apud quos haec haberetur oratio, cernerem. Nunc complectar, quod proposui, brevi. Si enim aut mihi facere licuerit, quod jam diu cogito, aut alius quispiam aut me impedito occuparit aut mortuo effecerit, ut primum omne ius civile in genera digerat, quae perpauca sunt, deinde eorum generum quasi quaedam membra dispertiat, tum propriam cuiusque vim definitione declaret, perfectam artem juris civilis habebitis, magis magnam atque uberem, quam difficilem et obscuram. Atque interea tamen, dum haec, quae dispersa sunt, cogantur, vel passim licet carpentem et colligentem undique repleri justa juris civilis scientia. I, 42. *De Oratore.*

The knowledge of almost all the things, which are now reduced to sciences, was once scattered and dispersed; for instance, in music, rhythm, pitch, and melody; in geometry, lines, figures, distances, and magnitudes; in astronomy, the revolutions of the heavens, the risings, settings, and movements of the stars; in the study of literature, the handling of the poets, the knowledge of history, the explanation of words, viz., etymology and grammar, the sounds to be pronounced; finally, in this very art of rhetoric of which we are talking, the invention, expression, arrangement, memorizing, and delivery seem to have been at one time unknown to all, or at least the knowledge of them seems to have been entirely unconnected.

Therefore there was applied from without a science of a different genus, which the philosophers claim as entirely their own, a science of such a nature as to bind by a system the parts of a sub-

De Oratore.

ject hitherto unconnected or even torn apart. Therefore let us take the final end of the *jus civile* to be this, the preservation in the dealings and disputes of citizens of an equity based on law and custom. Then its genera must be reduced to a fixed number and one as small as possible. A genus is that which embraces two or more divisions [*partes*] alike in possessing certain qualities in common but differing in species. The divisions are subordinate to the genera from which they proceed, and the force possessed by all names of the genera and divisions must be set forth in definitions. A definition is a brief but comprehensive statement of those great qualities which are peculiar to the thing we wish to define. To this I should add examples were I not well acquainted with my hearers. As it is, I shall put into words what I have proposed. If I should be permitted to do what I have long been planning, or if somebody else should undertake the task while I am otherwise engaged, or accomplish it after my death — as soon as someone shall divide the whole *jus civile* into its genera, which are very few, next distribute what we may call the numbers of these genera, and then set forth in definitions the proper force of each [term employed], you will have a perfected science of the *jus civile,* large and full indeed, but neither difficult nor obscure. In the meantime, while the scattered fragments are being combined, a person may get a truly scientific knowledge of civil law [*justa juris civilis scientia*], if he will only cull and gather what he can here, there, and everywhere.

Est sine dubio domus jurisconsulti, totius oraculum civitatis. I, 45.

The house of the lawyer is, no doubt, the oracle of the whole state.

Socrates dicere solitus est, quibus id persuasum esset, ut nihil mallent se esse, quam bonos viros, iis reliquam facilem esse doctrinam. I, 47.

Socrates used to say that to those who were convinced that they should prefer nothing so much as to be good men, every other kind of learning was easy.

Nolite sinere nos cuiquam servire nisi vobis universis, quibus et possumus et debemus. I, 52.

Be unwilling to allow us to be the slave of only one, but rather of you all in whatever we can and ought.

Qui aut tempus quid postulet, non videt aut plura loquitur, aut se ostentat, aut eorum quibuscum est vel dignitatis vel

commodi rationem non habet, aut denique in aliquo genere aut inconcinnus aut multus est, is ineptus esse dicitur. II, 4.

He who does not perceive what is demanded by the circumstances, or says too much, or indulges in vain display, or does not take into account the rank, or study the convenience, of those with whom he finds himself, or, to be brief, is in any way awkward or prolix, is what we call a tactless person.

Multi levissimam delectationem gravissimae utilitati anteponunt. II, 5.

Many prefer the smallest pleasure to the most important advantage.

Usus dicendi in omni pacata et libera civitate dominatur. II, 8.

The practice of public speaking flourishes in every peaceful and free state.

Historia vero testis temporum, lux veritatis, vita memoriae, magistra vitae, nuntia vetustatis, qua voce alia nisi oratoris immortalitati commendatur. II, 9.

History is the witness of the times, the torch of truth, the life of memory, the teacher of life, the herald of antiquity; receiving from the voice of the orator alone her credentials to immortality.

"Quae natura aut fortuna darentur hominibus, in iis rebus se vinci posse animo aequo pati; quae ipsi sibi homines parare possent, in iis rebus se pati non posse vinci." [Crassus, quoted by Cicero] II, 11.

We may cheerfully permit ourselves to be excelled in those things which are bestowed on mankind by nature or fortune, but not in those which men can secure for themselves by their own efforts.

Quis nescit primam esse historiae legem ne quid falsi dicere audeat? deinde ne quid veri non audeat? ne quae suspicio gratiae sit in scribendo? ne quae simultatis? II, 15.

Who does not recognize that the first law of history is that we shall never dare to say what is false; the second that we shall never fear to say what is true; that everything we write shall be free from any suspicion of favoritism or flattery?

De Oratore. Neque est omnino ars ulla, in qua omnia quae illa art effici possunt, a doctore tradantur. II, 16.

There is no art of which all the possibilities are capable of being imparted by a teacher.

Quod enim ipsi experti non sunt, id docent ceteros. II, 18

They are teaching to others an art in which they have themselves no experience.

Non potest in eo esse succus diuturnus, quod nimis celeriter est maturitatem assecutum. II, 21.

Sap cannot long continue in that which has too quickly acquired maturity.

Tardi ingenii est, rivulos consectari, fontes rerum non videre. II, 27.

It is the part of the slow of perception to follow up the rivulets of learning and never to see the fountain-head.

Diligentia, cum omnibus in rebus, tum in causis defendendis plurimum valet. Haec praecipue colenda est nobis: haec semper adhibenda; haec nihil est, quod non assequatur. II, 35.

Diligence has greatest power in everything, particularly in defending causes; it is above all to be cultivated, it is always to be attended to; there is nothing which it does not accomplish.

Avaritiam si tollere vultis, mater ejus est tollenda luxuries. II, 40.

If you would banish avarice, you must first banish luxury, the mother of avarice.

Medico diligenti, priusquam conetur aegro adhibere medicinam, non solum morbus ejus, cui mederi volet, sed etiam consuetudo valentis et natura corporis cognoscenda est. II, 44.

A careful doctor, before attempting to prescribe for a patient must make himself acquainted not only with the nature of the disease of the man he desires to cure, but also with his manner of life when in health, and his constitution.

Saepe enim audivi poëtam bonum neminem sine inflammatione animorum existere posse, et sine quodam afflatu quasi furoris. II, 46.

I have often heard that no real poet can exist without the spirit being on fire, and without, as it were, a spice of madness. *De Oratore.*

Invidetur praestanti florentique fortunae. II, 52.

Men envy high and successful fortune.

Plerique sunt invidi, maximeque est hoc commune vitium. II, 52.

Most men are envious, and this is above all a common fault.

Omnino probabiliora sunt, quae lacessiti dicimus, quam quae priores. II, 56.

We are more likely to speak the truth under cross-examination than in our evidence in chief.

Facinorosos majore quadam vi quam ridiculi vulnerari volunt. II, 58.

We demand that the criminal should be attacked with a more powerful weapon than ridicule.

"Ut sementem feceris, ita metes." II, 65.
[Quoted by Cicero]

As thou sowest, so shalt thou reap.

Habet enim multitudo vim quamdam talem, ut, quemadmodum tibicen sine tibiis canere, sic orator sine multitudine audiente eloquens esse non possit. II, 83.

So great is the influence of numbers, that an orator can no more be eloquent without a crowded audience than a flute-player can play without a flute.

Vera laus uni virtuti debetur. II, 84.

True praise is due to virtue alone.

Minime sibi quisque notus est et difficillime de se quisque sentit. III, 9.

Everyone is least known to himself, and the most difficult task is to get acquainted with one's own character.

Res quidem se mea sententia sic habet, ut, nisi quod quisque cito potuerit, nunquam omnino possit perdiscere. III, 23.

It is a fact, as I think, that what we cannot learn quickly we cannot learn at all.

De Oratore.

Omnibus in rebus voluptatibus maximis fastidium finitimum est. III, 25.

In everything satiety follows most closely on the greatest pleasures.

"Sapiens virtuti honorem praemium, haud praedam petit." [Roscius, quoted by Cicero] III, 26.

"The wise man seeks honor, not profit, as the reward of virtue."

Rerum enim copia verborum copiam gignit. III, 31.

A plethora of matter begets a plethora of words.

Quorum si alterum sit optandum, malim equidem indisertam prudentiam, quam stultitiam loquacem. III, 35.

If I have to choose between the two, I would rather have sound common sense without eloquence, than folly with a fine flow of language.

Facilius enim ad ea quae visa, quam ad illa quae audita sunt, mentis oculi feruntur. III, 41.

The mind's eye is more easily impressed by what is seen than by what is heard.

Irrepit in hominum mentes dissimulatio. III, 53.

Dissimulation creeps gradually into the minds of men.

Animi est enim omnis actio, et imago animi vultus, indices oculi. III, 59.

All action is of the mind, and the mirror of the mind is the face, its index the eyes.

DE PARTITIONE ORATORIA

De Partitione Oratoria.

Cito enim exarescit lacrima, praesertim in alienis malis. XVII.

Our tears are quickly dried, especially when they are shed over the griefs of others.

Nihil est enim tam miserabile quam ex beato miser. XVII.

Nothing is so pitiable as a poor man who has seen better days.

DE PHILOSOPHIA

Videt enim, quod videndum fuit, appendicem animi esse corpus, nihilque in eo esse magnum. *Fragment* 96. *De Philosophia.*

He perceived, what indeed was clear, that the body is a mere appendage of the soul, entirely devoid of great qualities.

DE PETITIONE CONSULATUS

Frons est animi janua. 11. *De Petitione Consulatus.*

The forehead is the gate of the mind.

DE PROVINCIIS CONSULARIBUS

Non is solum gratus debet esse qui accepit beneficium, verum etiam is cui potestas accipiendi fuit. XVII. *De Provinciis Consularibus.*

Gratitude should not be confined to him who has accepted a favor, but should be felt also by him who has had the opportunity of accepting.

DE REPUBLICA

Virtus in usu sui tota posita est. I, 2. *De Republica.*

The whole of virtue consists in practice.

Nec vero habere virtutem satis est, quasi artem aliquam, nisi utare. Etsi ars quidem, quum ea non utare, scientia tamen ipsa teneri potest, virtus in usu sui tota posita est. I, 2.

It is not enough to possess virtue, as though it were an art, unless we use it. For although, if you do not practice an art, you may yet retain it theoretically, the whole of virtue is centered in the exercise of virtue.

Neque enim hac nos patria lege genuit aut educavit; ut nulla quasi alimenta expectaret a nobis, ac tantummodo nostris ipsa commodis serviens, tutum perfugium otio nostro suppeditaret, et tranquillum ad quietem locum; sed ut plurimas et maximas nostri animi, ingenii, consilii partes ipsa sibi ad utilitatem suam pignaretur, tantumque

De Republica.

nobis in nostrum privatum usum, quantum ipsi superesse posset, remitteret. I, 4.

Nor has our fatherland produced and brought us up, so that she should derive no advantage from us, or that we should regard it as created for our mere convenience — as a place where we may tranquilly while away our useless existence in idleness and sloth. Such is not the proper view in which we should regard our country. She claims from us the mightiest exertions of our mind and of all our powers, and only gives back for our private use what remains of our stock of time after we have been so employed.

Neque enim est ulla res, in qua propius ad deorum numen virtus accedat humana, quam civitates aut condere novas aut conservare jam conditas. I, 7.

Nor is there anything in which the virtues of mankind approach nearer to the gods than when they are employed in founding new commonwealths, and in preserving those already founded.

Mihi omne tempus est ad meos libros vacuum, numquam sunt illi occupati. I, 9.

My books are always at leisure for me, they are never engaged.

Est igitur respublica res populi; populus autem non omnis hominum coetus, quoquo modo congregatus, sed coetus multitudinis juris consensu et utilitatis communione sociatus. I, 25.

A state is the common weal of a people; but a people is not every assembly of men brought together in any way; it is an assembly of men united together by the bonds of just laws, and by common advantages.

Omnis civitas, omnis respublica consilio quodam regenda est, ut diuturna sit. I, 26.

Every state, every commonwealth is to be governed by prudence, if it is to be lasting.

Cum penes unum est omnium summa rerum, regem illum unum vocamus et regnum ejus reipublicae statum. Cum autem est penes delectos, tum illa civitas optimatium arbitrio regi dicitur. Illa autem est civitas popularis, sic enim appellant, in qua in populo sunt omnia. I, 26.

When the government is in the hands of one individual, we call such a man a king and the state a kingdom. When it is in the

hands of a select body, that form of government is aristocratic. But that state is a republic, so they call it, when everything is dependent on the people. *De Republica.*

Nulla alia civitate, nisi in qua populi potestas summa est, ullum domicilium libertas habet, qua quidem certe nihil potest esse dulcius. I, 31.

In no other state except that in which the power of the people is supreme has liberty any abode, than which nothing assuredly can be more delightful.

Si pecunias aequari non placet, si ingenia omnium paria esse non possunt, jura certe paria debent esse eorum inter se, qui sunt cives in eadem republica. I, 32.

If all cannot be equal in property, if the talents of all cannot be the same, the laws at least should be the same to those who are citizens in the same state.

Si jus suum populi teneant, negant quidquam esse praestantius, liberius, beatius, quippe qui domini sint legum, judiciorum, belli, pacis, foederum, capitis unius cujusque, pecuniae. I, 32.

If the people hold the supreme power, they affirm that no form of government is more excellent, more free, more happy, inasmuch as they are the masters of laws, courts, war, peace, leagues, lives, and fortunes of everyone.

Si enim pecunias aequari non placet; si ingenia omnium paria esse non possunt: jura certe paria debent esse eorum inter se, qui sunt cives in eadem republica. I, 32.

If an equal distribution of wealth is unpopular, if equality of intelligence is an impossibility, at least there should be equality before the law among all those who are citizens of the same state.

Nam aequabilitas quidem juris, quam amplexantur liberi populi, neque servari potest: ipsi enim populi, quamvis soluti effrenatique sint, praecipue multis multa tribuunt, et est in ipsis magnus delectus hominum et dignitatum; eaque quae appellatur aequabilitas iniquissima est. I, 34.

For equality of rights, of which a free people is so fond, cannot be maintained; for the very people themselves, though they are their own masters, and perfectly uncontrolled, give up much power to many of their fellow-citizens, showing cringing respect to men

De Republica.

and dignities. That which is called equality is most iniquitous in its acts.

Apud bonum judicem, argumenta plus quam testes valent. I, 34.

In the eyes of a wise judge, proofs by reasoning are of more value than witnesses.

Nam divitiae, nomen, opes vacuae consilio et vivendi atque aliis imperandi modo, dedecoris plenae sunt et insolentis superbiae: nec ulla deformior species est civitatis, quam illa in qua opulentissimi optimi putantur. I, 34.

For riches, great fame, wealth unaccompanied by wisdom and the knowledge of living virtuously and commanding properly, are only the cause of greater disgrace, and of exhibiting insolence in more glaring colors; nor is there any form of state more disgraceful to men than that in which the wealthiest are regarded the noblest.

Si quando aut regi justo vim populus attulerit regnove eum spoliavit; aut etiam, id quod evenit saepius, optimatium sanguinem gustavit, ac totam rempublicam substravit libidini suae; cave putes autem mare ullum aut flammam esse tantam, quam non facilius sit sedare, quam effrenatam insolentia multitudinem. I, 42.

When a people has once treated with violence a just king, or hurled him from his throne, or even — which has often happened — has tasted the blood of the nobles, and subjected the whole commonwealth to their fury, do not be foolish enough to imagine that it would be easier to calm the most furious hurricane at sea, or flames of fire, than to curb the unbridled insolence of the multitude.

Sic tanquam pilam rapiunt inter se reipublicae statum, tyranni ab regibus; ab iis autem principes aut populi; a quibus aut factiones aut tyranni; nec diutius unquam tenetur idem reipublicae modus. I, 44.

Then tyrants snatch the government from kings as in a game of ball; from them the nobles or people in their turn, to whom succeed factious parties or tyrants; nor does the same form of government ever remain for any length of time.

Nimiaque illa libertas et populis et privatis in nimiam servitutem cadit. I, 44.

That excess of liberty, both with nations and individuals, eventuates in an excess of servitude. *De Republica.*

Quod cum ita sit, tribus primis generibus longe praestat mea sententia regium; regio autem ipsi praestabit id, quod erit aequatum et temperatum ex tribus optimis rerum publicarum modis. Placet enim esse quiddam in republica praestans et regale; esse aliud auctoritate principum partum ac tributum; esse quasdam res servatas judicio voluntatique multitudinis. I, 45.

Since this is so, in my opinion monarchy is by far the best of the three forms; but the monarchical is excelled by that which is made up and formed of the three best kinds of government. In a state there ought to be something super-eminent and royal; another portion of power ought to be assigned to the nobles, and some ought to be reserved for the lower classes.

Nostra autem respublica non unius esset ingenio, sed multorum, nec una hominis vita, sed aliquot constituta seculis et aetatibus. II, 1.

Our state did not spring from the brain of one man, but of many; nor was it consolidated in a lifetime, but in the course of generations and centuries.

Est maritimis urbibus quaedam corruptela ac demutatio morum: admiscentur enim novis sermonibus ac disciplinis, et importantur non merces solum adventiciae, sed etiam mores, ut nihil possit in patriis institutis manere integrum. II, 4.

In maritime cities there is a certain corruption and change of habits; for they are intermingling with new modes of speech and manners, and there are imported not only foreign merchandise but manners also, so there is no fixity in the institutions of the country.

Semper in republica tenendum est, ne plurimum valeant plurimi. II, 22.

In a state this rule ought always to be observed, that the greatest number should not have the predominant power.

Ipsum regale genus civitatis non modo non est reprehendendum, sed haud scio an reliquis simplicibus longe anteponendum. II, 23.

De Republica.

A royal form of government is not only not to be found fault with, but I know not whether it is not to be far preferred to other simple forms.

Sine summa justitia rem publicam geri nullo modo posse. II, 44.

Without the most inflexible justice it is impossible to direct a state.

Justitia praecipit parcere omnibus, consulere generi hominum, suum cuique reddere, sacra, publica, aliena non tangere. III, 12.

Justice commands us to have mercy on all men, to consult for the interests of mankind, to give everyone his due, not to commit sacrilege, and not to covet the goods of others.

Nulla est tam stulta civitas, quae non injuste imperare malit, quam servire juste. III, 18.

There is no community so foolish as not to prefer unlawful dominion to lawful servitude.

Est vera lex recta ratio, naturae congruens, diffusa in omnes, constans, sempiterna, quae vocet ad officium jubendo, a fraude deterreat, quae tamen neque probos frustra jubet aut vetat, nec improbos jubendo aut vetando movet. Huic legi nec abrogari fas est, neque derogari ex hâc aliquid licet, neque tota abrogari potest; nec vero aut per senatum aut per populum solvi hac lege possumus; neque est quaerendus explanator aut interpres ejus alius; nec erit alia lex Romae, alia Athenis, alia nunc, alia posthac, sed et omnes gentes et omni tempore una lex et sempiterna et immutabilis continebit, unusque erit communis quasi magister et imperator omnium deus, ille legis hujus inventor, disceptator, lator; cui qui non parebit, luet maximas poenas, etiamsi cetera supplicia, quae ipse se fugiet, ac naturam hominis aspernatus hoc ipso putantur, effugerit. III, 22.

True law is right reason, in unison with nature, pervading all, never varying, eternal, which summons man to duty by its commands, deters him from fraudulent acts, which, moreover, neither commands nor forbids the good in vain, nor yet affects the bad by commanding or forbidding. It is not allowable to annul this law, nor is it lawful to take anything from it, nor to abrogate it alto-

gether; nor are we able to be released from it, either by the Senate or by the people; nor is there any other expounder or interpreter to be sought; nor will there be one law for Rome, another law for Athens, one law today, another law tomorrow, but one eternal and immutable law for all nations and for all ages, as God the common master and ruler of all — the author, the interpreter, the enforcer of the law — is one. Whoever does not obey it will fly from himself, and despise the nature of man, and by that very circumstance will suffer the severest punishments, though he may escape other things which men are wont to regard as punishments. *De Republica.*

Nullum bellum suscipi a civitate optima, nisi aut pro fide aut pro salute. III, 23.

War should only be undertaken by a highly civilized state to preserve either its religion or its existence.

Vult plane virtus honorem; nec est virtutis ulla alia merces. III, 28.

Virtue truly desires honor; nor is there any other reward of virtue.

In dissensione civili, cum boni plus quam multi valent, expendendos cives, non numerandos puto. VI, 1 [Fragment].

In civil dissensions, where character is worth more than mere numbers, we should, I think, weigh our fellow-citizens, and not count them merely.

Ii vivunt qui ex corporum vinculis, tanquam e carcere, evolaverunt. VI, 14.

Those truly live who have escaped from the fetters of the body, as from a prison.

(SOMNIUM SCIPIONIS)

Sic habeto, omnibus qui patriam conservarint, adjuverint, auxerint, certum esse in coelo ac definitum locum, ubi beati aevo sempiterno fruantur. Nihil est enim illi principi Deo, qui omnem hunc mundum regit, quod quidem in terris fiat, acceptius, quam concilia, coetusque hominum, jure sociati, quae civitates appellantur; harum rectores et conservatores hinc profecti, huc revertuntur. 3. *Somnium Scipionis.*

Be persuaded that there is a certain separate place in heaven for those who have preserved, aided, and ameliorated their country,

Somnium Scipionis.

where they may enjoy happiness to all eternity. For there is nothing on earth which gives more pleasure to that Supreme Being who governs this world, than the meetings and assemblies of men, bound together by social rights, which are called states; the governors and the preservers of these coming thence return to the same place.

Immo vero, inquit, ii vivunt, qui ex corporum vinculis, tamquam e carcere, evolaverunt: vestra vero, quae dicitur vita mors est. 3.

No doubt, replied Scipio, those are alive who have broken loose from the chains of the body as from a prison; your condition — called life — is in truth but death.

Nisi Deus is, cujus hoc templum est omne, quod conspicis, istis te corporis custodiis liberaverit, huc tibi aditus patere non potest. 3.

Unless the God, whose temple the whole of this is which thou beholdest, shall release thee from these bonds of the body, thou canst not enter here.

Quare et tibi, Publi, et piis omnibus retinendus est animus in custodia corporis; nec injussu ejus, a quo ille est vobis datus, ex hominum vita migrandum est, ne munus humanum assignatum a Deo defugisse videamini. 3.

Wherefore, Publius, thou and all the good must keep the soul in the body, nor must men leave this life without the permission of the Being by whom it has been given, lest thou shouldst seem to treat contemptuously the gift of life conferred on thee by the Supreme Being.

Igitur alte spectare si voles, atque hanc sedem, et aeternam domum contueri: neque te sermonibus vulgi dederis, nec in praemiis humanis spem posueris rerum tuarum: suis te oportet illecebris ipsa virtus trahat ad verum decus; quid de te alii loquantur, ipsi videant: sed loquentur tamen. 7.

Therefore, if thou wilt only turn thy eyes upwards, and look to that heavenly abode and eternal dwelling-place, thou wilt pay no regard to the gossip of the vulgar, nor place thy hopes in the rewards of men; virtue by its allurements must attract thee to true honor; what others say of thee let them see to it, yet talk they will.

Tu vero enitere, et sic habeto, non esse te mortalem, sed corpus hoc. Non enim tu is es quem forma ista declarat: sed mens cujusque, is est quisque; non ea figura, quae digito demonstrari potest. Deum te igitur scito esse: siquidem Deus est, qui viget, qui sentit, qui meminit, qui providet, qui tam regit, et moderatur, et movet id corpus, cui praepositus est, quam hunc mundum ille princeps Deus: et ut mundum ex quadam parte mortalem ipse Deus aeternus, sic fragile corpus animus sempiternus movet. 8. *Somnium Scipionis.*

Do thou exert thyself, and believe that it is not thou but thy body that is mortal. For thou art not the being whom this figure shows, but the mind is the man, and not the figure which can be pointed at with the finger. Know therefore that thou art a divine being, since it is a Deity in thee which moves, feels, remembers, foresees, rules, and governs that body over which it is placed, in the very same way as the Supreme Being governs this world; and as the Eternal God directs this world, which is in a certain degree mortal, so the never-dying spirit directs the frail body.

DE SENECTUTE

Quibus nihil opis est in ipsis ad bene beateque vivendum, iis omnis gravis est aetas: qui autem omnia bona a se ipsi petunt, iis nihil potest malum videri, quod naturae necessitas afferat. Quo in genere in primis est senectus: quam ut adipiscantur omnes optant, eandem accusant adepti: tanta est inconstantia stultitiae, atque perversitas. Obrepere aiunt eam citius quam putassent. Primum, quis coegit eos falsum putare? qui enim citius adolescentiae senectus, quam pueritiae adolescentia obrepit? Deinde, qui minus gravis esset iis senectus, si octingentesimum annum agerent, quam octogesimum? praeterita enim aetas, quamvis longa, cum effluxisset, nulla consolatione permulcere posset stultam senectutem. 2. *De Senectute.*

Every stage of life is a burden to those who have no fund of happiness within themselves: but they who derive all their felicity from this source cannot possibly think anything grievous that proceeds from the stated order of nature. In which class old age may, in a special manner, be ranked: the attainment whereof is the universal wish of mankind; who make it no less the subject of complaint, when obtained. So great is the mutability of their folly and perverseness! It has stolen upon us, say they, sooner

De Senectute. than we could have imagined. But then who obliged them to make a false computation? For how faster, pray, does old age creep upon youth, than youth upon infancy? Again, what less burdensome would old age be, should they live to eight hundred years, than it is at eighty? For the past part of life, however long that may be, can afford no satisfaction to comfort an old age ridiculous in itself.

Quocirca si sapientiam meam admirari soletis, in hoc sumus sapientes, quod naturam optimam ducem tanquam deum sequimur eique paremus. 2.

Wherefore if I have any claim to that wisdom which you are wont to admire, it lies in this, that I follow nature with implicit obedience and resign myself to all her sacred ordinances.

Sed tamen necesse fuit esse aliquid extremum, et tamquam in arborum baccis, terraeque frugibus maturitate tempestiva, quasi vietum, et caducum: quod ferendum est molliter sapienti. Quid enim est aliud, gigantum modo bellare cum diis, nisi naturae repugnare? 2.

It was absolutely necessary that some term should be set, and that, as it is with the fruits of trees and of the earth, seasons should be allowed for their springing, growing, ripening, and at last to drop. This wise men will cheerfully submit to; nor could anything else be meant by the stories told of the giants warring against the gods, than men's rebelling against nature and its laws.

Importunitas autem, et inhumanitas omni aetati molesta est. 3.

But a perverse temper and fretful disposition will, wherever they prevail, render any state of life whatsoever unhappy.

Ut Themistocles fertur Seriphio cuidam in jurgio respondisse, quum ille dixisset non eum sua, sed patriae gloria splendorem assecutum: Nec hercule, inquit, si ego Seriphius essem nobilis; nec tu, si Atheniensis esses, clarus umquam fuisses. 3.

When a certain native of the island of Seriphos told Themistocles in some altercation, that he was indebted for his illustrious fame not to the intrinsic merit of his actions, but to the country in which he had the good fortune to be born, "It may be so," replied the Athenian general, "for if I had been born at Seriphos I could have had no opportunity of developing my talents; bu

permit me to remind you that yours would never have cut any figure though you had been born at Athens." *De Senectute.*

Aptissima omnino sunt, Scipio et Laeli, arma senectutis, artes, exercitationesque virtutum, quae in omni aetate cultae, cum multum, diuque vixeris, mirificos efferunt fructus, non solum quia numquam deserunt, ne in extremo quidem tempore aetatis (quamquam id maximum est), verum etiam quia conscientia bene actae vitae, multorumque benefactorum recordatio, jucundissima est. 3.

But the best armor of old age, Scipio and Laelius, is a well-spent life preceding it; a life employed in the pursuit of useful knowledge, in honorable actions and in the practice of virtue; in which he who labors to improve himself from his youth will in age reap the happiest fruits of them; not only because these never leave a man, not even in the extremest old age, but because a conscience bearing witness that our life was well spent, together with the remembrance of past good actions, yields an unspeakable comfort to the soul.

Pares autem, vetere proverbio, paribus facillime congregantur. 3.

As the old proverb says, like readily consorts with like.

Est etiam quiete et pure et eleganter actae aetatis placida ac lenis senectus. 5.

A life of peace, purity, and refinement leads to a calm and untroubled old age.

"Sicut fortis equus, spatio quae saepe supreme
Vicit Olympia, nunc senio confectu' quiescit."
[Ennius, quoted by Cicero] 5.

Like the stout horse which oft has borne away
The prize, now, weak with age, he rest enjoys.

Temeritas est videlicet florentis aetatis, prudentia senescentis. 6.

Rashness is characteristic of youth, prudence of maturity.

Non viribus, aut velocitatibus, aut celeritate corporum res magnae geruntur: sed consilio, auctoritate, sententia: quibus non modo non orbari, sed etiam augeri senectus solet. 6.

De Senectute. For it is neither by bodily strength, nor swiftness, nor agility, that momentous affairs are carried on, but by judgment, counsel, and authority, the abilities for which are so far from failing in old age, that they truly increase with it.

Nec vero dubitet agricola, quamvis senex, quaerenti, cui serat, respondere: Diis immortalibus, qui me non accipere modo haec a majoribus voluerunt, sed etiam posteris prodere. 7.

Nor, if you ask one of these men for whom it is he is thus laboring, will he be at any loss to answer thus: "I do it," he will say, "for the immortal gods, who, as they bestowed these grounds on me, require at my hands that I should transmit them improved to posterity, who are to succeed me in the possession of them."

Nemo enim est tam senex, qui se annum non putet posse vivere. 7.

There is no one so old but thinks he can live a year.

Libidinosa etenim, et intemperans adolescentia effoetum corpus tradit senectuti. 9.

A youth of sensuality and intemperance delivers over a worn-out body to old age.

Quid enim est jucundius senectute stipata studiis juventutis? An ne eas quidem vires senectuti relinquimus, ut adolescentes doceat, instituat, ad omne officii munus instruat? quo quidem opere quid potest esse praeclarius? 9.

Indeed what is there more pleasing than old age encompassed by the vigor of childhood? I suppose it will not be denied that old age possesses the faculties necessary for instructing the youth and training them in every noble duty. What occupation, indeed, could be more splendid than this?

Quod est, eo decet uti: et quicquid agas, agere pro viribus. 9.

What one has, that one ought to use; and whatever we take in hand, we ought to do it with all our might.

Utrum igitur has corporis, an Pythagorae tibi malis vires ingenii dari? denique isto bono utare, dum adsit: cum absit, ne requiras. Nisi forte adolescentes pueritiam,

paullum aetate progressi adolescentiam debeant requirere. Cursus est certus aetatis, et una via naturae, eaque simplex: suaque cuique parti aetatis, tempestivitas est data; ut et infirmitas puerorum, et ferocitas juvenum, et gravitas jam constantis aetatis, et senectutis maturitas naturale quiddam habeat, quod suo tempore percipi debeat. 10. *De Senectute.*

Now, if the choice were given you, which would you prefer, Milo's strength of body, or Pythagoras' abilities of mind? In short, while you have strength use it; when it leaves you, no more repine for the want of it, than you did when lads that your childhood was past, or at the years of manhood that you were no longer boys. The stages of life are fixed; nature is the same in all, and goes on in a plain and steady course: every part of life, like the year, has its peculiar season: as children are by nature weak, youth is rash and bold; staid manhood more solid and grave; and so old age in its maturity has something natural to itself that ought particularly to recommend it.

Nec enim unquam sum assensus veteri illi laudatoque proverbio, quod monet, mature fieri senem, si diu velis senex esse. 10.

I have never admitted the truth of the old and accepted saying, which asserts that you will early become an old man, if you have long desired to be one.

Corpora quidem defatigatione, et exercitatione ingravescunt; animi autem exercitando levantur. 11.

The body, we know, when over-labored, becomes heavy, and, as it were, jaded; but it is exercise alone that supports the spirits and keeps the mind vigorous.

Ut enim adolescentem, in quo est senile aliquid, sic senem, in quo est aliquid adolescentis, probo; quod qui sequitur, corpore senex esse poterit, animo numquam erit. 11.

As I love to see the ardor of youth somewhat tempered with the gravity of age, so I am equally pleased to see the torpor of age enlivened by the brightness of youth; and he who unites these qualities, though years advance, will remain ever young in spirit.

Pythagoreorum more exercendae memoriae gratia, quid quoque die dixerim, audierim, egerim, commemoro vesperi. 11.

De Senectute. For the purpose of training my memory I have observed the custom of the Pythagoreans in recalling at evening whatever I have said or heard or done in the course of the day.

Ista senilis stultitia, quae deliratio appellari solet, senum levium est, non omnium. 11.

That senile stupidity which we call dotage is not characteristic of all old men, but only of those of small mental capacity.

Voluptas mentis (ut ita dicam) praestringit oculos, nec habet ullum cum virtute commercium. 12.

Pleasure blinds, so to say, the eyes of the mind, and has no fellowship with virtue.

Cumque homini sive natura, sive quis deus nihil mente praestabilius dedisset; huic divino muneri, ac dono nihil esse tam inimicum, quam voluptatem. 12.

It is owned that the most noble and excellent gift of heaven to man is reason; and it is as sure, that of all the enemies reason has to engage with, pleasure is the most capital.

Nullam capitaliorem pestem, quam corporis voluptatem, hominibus dicebat a natura datam: cujus voluptatis avidae libidines, temere, et effrenate ad potiundum incitarentur. Hinc patriae proditiones, hinc rerumpublicarum eversiones, hinc cum hostibus clandestina colloquia nasci. 12.

"The greatest curse," said he, "derived by man from nature is bodily pleasure when the passions are indulged, and strong, inordinate desires are raised and set in motion for obtaining it. For this have men betrayed their country; for this have states and governments been plunged in ruin; for this have treacherous correspondences been held with public enemies."

Sed si aliquid dandum est voluptati, quoniam ejus blanditiis non facile obsistimus (divine enim Plato escam malorum, voluptatem appellat, quod ea videlicet homines capiantur, ut hamo pisces), quamquam immoderatis epulis careat senectus, modicis tamen conviviis delectari potest. 13.

Yet as nature has so ordered it, that pleasure should have a very strong hold on us, and the inclination to it appears deeply founded in our very composition (and it is with too much justice that the divine Plato calls it the bait of evil, by which men are caught as

fish with a hook); therefore though age is not taken, nor can well bear with those splendid sumptuous feastings and revels, yet we are not so insensible to the pleasures of life, but that we can indulge ourselves. *De Senectute.*

Venio nunc ad voluptates agricolarum, quibus ego incredibiliter delector: quae nec ulla impediuntur senectute, et mihi ad sapientis vitam proxime videntur accedere. 15.

But I am now come to speak of the pleasures of a country life, with which I am infinitely delighted. To these old age never is an obstruction. It is the life of nature, and appears to me the precise course which a wise man ought to follow.

Habet senectus, honorata praesertim, tantam auctoritatem, ut ea pluris sit, quam omnes adolescentiae voluptates. 17.

Old age in a person graced with honors is attended with such respect and authority that the sense of this alone is preferable to all the pleasures youth can enjoy.

Apex est autem senectutis auctoritas. 17.

The crown of old age is authority.

Ut enim non omne vinum, sic non omnis aetas vetustate coacescit. 18.

Neither every wine nor every life turns to vinegar with age.

Avaritia vero senilis quid sibi velit non intelligo. Potest enim quidquam esse absurdius quam quo minus viae restat, eo plus viatici quaerere? 18.

I can never understand avarice in an old man. For what can be more absurd than to add more and more to the provision for your journey as you draw nearer to its end?

Sensi ego in optimo filio, tu in exspectatis ad amplissimam dignitatem fratribus, Scipio, mortem omni aetati esse communem. 19.

I in my noble son, you, Scipio, in your brothers, who had given promise of the highest distinction, have felt that death is the common heritage of every age.

O dii boni! quid est in hominis vita diu? da enim supremum tempus: expectemus Tartessiorum regis aetatem: fuit enim (ut scriptum video) Arganthonius quidam

De Senectute. Gadibus, qui octoginta regnavit annos, centum et viginti vixit: Sed mihi ne diuturnum quidem quidquam videtur, in quo est aliquid extremum; cum enim id advenit, tunc illud, quod praeteriit, effluxit: tantum remanet, quod virtute, et recte factis consecutus sis; horae quidem cedunt, et dies, et menses, et anni: nec praeteritum tempus umquam revertitur, nec quid sequatur, sciri potest; quod cuique temporis ad vivendum datur, eo debet esse contentus. Neque enim histrioni, ut placeat, peragenda est fabula, modo, in quocumque, fuerit actu, probetur: neque sapienti usque ad *Plaudite* vivendum. Breve enim tempus aetatis satis est longum ad bene, honesteque vivendum. 19.

Yet, O good gods! what is it in life that can be said to be of long duration? Though we should hold it to the utmost extent of age, or admit we should live the days of that Tartessian king (for I have read that one Arganthonius reigned at Cadiz fourscore years, and lived to a hundred and twenty), yet in my opinion nothing can properly be termed lasting that has a certain period fixed: for when that is once come, all the past is over and gone; and in the business of life, when that is run out, nothing remains to us but what results from past good and virtuous actions. The hours, the days, the months, and years, all slide away, nor can the past time ever more return, or what is to follow be foreknown. We ought all to be content with the time and portion assigned us. No man expects of any one actor in the theater that he should perform all the parts of the piece himself: one rôle only is committed to him, and whatever that be, if he acts it well, he is applauded. In the same way, it is not the part of a wise man to desire to be busy in these scenes to the last plaudit. A short term may be long enough to live it well and honorably.

Horae quidem cedunt, et dies et menses et anni; nec praeteritum tempus unquam revertitur, nec quid sequatur sciri potest. 19.

The hours pass by, and the days and months and years; the time that is past never returns, and what is to come none can tell.

Breve enim tempus aetatis, satis longum est ad bene honesteque vivendum. 19.

Our span of life is brief, but it is long enough for us to live well and honestly.

Adolescentes mihi mori sic videntur, ut quam aquae multitudine vis flammae oprimitur; senes autem sic, ut

cum sua sponte, nulla adhibita vi, consumptus ignis exstinguitur. 19. *De Senectute.*

The death of the young seems to me to resemble the sudden extinction of a flame with volumes of water; the old seem rather to die as a fire which flickers out of itself.

Moriendum enim certe est: et id incertum, an eo ipso die. 20.

No man can be ignorant that he must die, nor be sure that he may not this very day.

Vivendi finis est optimus, cum integra mente ceterisque sensibus opus ipsa suum eadem, quae coagmentavit, natura dissolvit. 20.

The best close to life is when the same nature, which has united, puts a period to its work, while the mind is uninjured and all the other senses are sound.

Nam, dum sumus in his inclusi compagibus corporis, munere quodam necessitatis, et gravi opere perfungimur. Est enim animus coelestis ex altissimo domicilio depressus, et quasi demersus in terram, locum divinae naturae, aeternitatique contrarium. Sed credo, deos immortales sparsisse animos in corpora humana, ut esent, qui terras tuerentur, quique coelestium ordinem contemplantes, imitarentur eum vitae modo, atque constantiâ. 21.

For while we are closed in these mortal frames, our bodies, we are bound down to a law of necessity, that obliges us with labor and pains to attend to the discharge of the several incumbent duties it requires. But our minds are of a heavenly original, descended from the blissful seats above, thrust down and immersed into these gross habitations of the earth, a situation altogether unsuitable to a divine and eternal nature. But the immortal gods, I believe, thought fit to throw our immortal minds into these human bodies, that the earth might be peopled with inhabitants capable of contemplating and admiring the beauty and order of the heavens, and the whole creation; that from this great exemplar they might form their conduct and regulate their lives, with the like unerring steadiness.

Mihi quidem nunquam persuaderi potuit, animos, dum in corporibus essent mortalibus, vivere; cum exiissent ex iis, emori; nec vero, tum animum esse insipientem, cum ex

De Senectute. insipienti corpore exiiset; sed cum omni admixtione corporis liberatus, purus et integer esse coepisset, tum esse sapientem. 22.

I never, indeed, could persuade myself that souls confined in these mortal bodies can be properly said to live, and that, when they leave them, they die; or that they lose all sense when parted from these vehicles; but, on the contrary, when the mind is wholly freed from all corporeal mixture, and begins to be purified and to recover itself again, then, and then only, it becomes truly knowing and wise.

Atqui dormientium animi maxime declarant divinitatem suam; multa enim, cum remissi, et liberi sunt, futura prospiciunt. Ex quo intelligitur, quales futuri sunt, cum se plane corporis vinculis relaxaverint. 22.

But the soul in sleep, above all other times, gives proofs of its divine nature; for when free and disengaged from the immediate service of the body, it has frequently a foresight of things to come; from whence we may more clearly conceive what will be its state when entirely freed from this bodily prison.

Quod si quis deus mihi largiatur, ut ex hac aetate repueriscam, et in cunis vagiam, valde recusem: nec vero velim, quasi decurso spatio, ad carceres a calce revocari. 23.

But if any god were to grant that at this age I might become a child again and cry in the cradle, I should decidedly refuse, nor should I wish to be recalled from the goal to the starting-post, as if it were a race-course.

Neque me vixisse poenitet: quoniam ita vixi, ut non frustra me natum existimem: et ex vita ita discedo, tamquam ex hospitio, non tamquam ex domo; commorandi enim natura deversorium nobis, non habitandi locum dedit. 23.

For I am not at all regretful that I came into, and have so far passed my course in this world; because I have so lived in it, that I have reason to believe I have been of some use to it; and when the close comes, I shall quit life as I would an inn, and not as a real home. For nature appears to me to have ordained this station here for us, as a place of sojourn, a transitory abode only, and not as a fixed settlement or permanent habitation.

Quod si in hoc erro, quod animos hominum immortales esse credam, lubenter erro; nec mihi hunc errorem, quo

delector, dum vivo extorquere volo. Sin mortuus (ut quidam minuti philosophi censent) nihil sentiam: non vereor ne hunc errorem meum philosophi mortui irrideant. 23. *De Senectute.*

If I am in error in believing that the soul of man is immortal, I err willingly; nor have I any desire, while life lasts, to eradicate the error in which I take delight. But if, after death (as some small philosophers think), I shall feel nothing, I have no fear that those departed philosophers will ridicule my error.

Habet natura, ut aliarum omnium rerum, sic vivendi modum. 23.

Nature has a standard of living, as of everything else.

O praeclarum diem, quum ad illud divinum animorum concilium coetumque proficiscar, quum que ex hac turba et colluvione discedam! Proficiscar enim non ad eos solum viros, de quibus ante dixi, verum etiam ad Catonem meum, quo nemo vir melior natus est, nemo pietate praestantior; cujus a me corpus est crematum — quod contra decuit ab illo meum — animus vero non me deserens, sed respectans, in ea profecto loca discessit, quo mihi ipsi cernebat esse veniendum. 23.

O glorious day when I shall enter that divine company and home of souls, when I shall leave this turmoil and conflux of impurities! for I shall go not only to these men of whom I have just spoken, but also to my Cato, than whom no better man was ever born, no man more eminent in all good works, for whom I performed the last sad rites, when it seemed more fitting that he should mourn for me: whose soul not forgetting me, but often looking back upon me, departed to that place whither it perceived that I, too, soon must come.

EPISTOLAE AD BRUTUM

Nec vero me fugit, quam sit acerbum, parentum scelera filiorum poenis lui. I, 12. *Epistolae Ad Brutum*

It does not escape me that it is a cruel thing that the children should suffer for their parents' misdeeds.

"Rempublicam duabus rebus contineri dixit, praemio et poena." [Solon, quoted by Cicero] I, 15.

A state is regulated by two things, reward and punishment.

Epistolae Ad Brutum.

Quid enim est melius quam memoria recte factorum et libertate contentum negligere humana? I, 16.

What is better than to live in the contentment arising out of freedom and the recollection of duty well performed, careless of the things of this earth?

FRAGMENTA

Fragmenta.

In primoribus habent, ut aiunt, labris.

They have it on the tip of the tongue, as the saying goes.

O fortunatam natam me consule Romam! [*De Suis Temporibus.* Quoted by Juvenal] X, 122.

How fortunate a natal day was thine,
In that late consulate, O Rome, of mine! — (Gifford.)

IN CATILINAM

In Catilinam.

Quousque tandem abutere, Catilina, patientia nostra? Quam diu etiam furor iste tuus nos eludet? Quam ad finem sese effrenata iactabit audacia? I, 1.

When, O Catiline, do you mean to cease abusing our patience? How long is that madness of yours still to mock us? When is there to be an end of that unbridled audacity of yours, swaggering about as it does now?

O tempora! O mores! I, 1.

What times! what morals!

O tempora! O mores! Senatus haec intelligit, consul videt: hic tamen vivit. Vivit? immo, vero etiam in senatum venit. I, 1.

Oh! the degeneracy of the times and their manners! The Senate is aware of these things, the consul sees them, yet this man lives — lives, do I say? — nay, he comes even into the very Senate.

Multorum te etiam oculi et aures non sentientem, sicut adhuc fecerunt, speculabuntur atque custodient. I, 2.

The eyes and ears, too, of many will see and watch you without your being aware, as they have done already.

O dii immortales! ubinam gentium sumus? I, 4.

Ye immortal gods, where in the world are we?

Patria est communis parens omnium nostrum. I, 7.

Our country is the common parent of all.

Abiit, excessit, evasit, erupit. II, 1.

He is gone, he has fled, he has eluded our vigilance, he has broken through our guards.

Intus est hostis; cum luxuria nobis, cum amentia, cum scelere certandum est. II, 5.

The enemy is within the gates; it is with our own luxury, our own folly, our own criminality that we have to contend.

Neque enim turpis mors forti viro potest accidere, neque immatura consulari, neque misera sapienti. IV, 2.

Death cannot be dishonorable to the brave man, or premature to him who has held high office, or lamentable to the philosopher.

Multo magis est verendum, ne remissione poenae crudeles in patriam, quam ne severitate animadversionis nimis vehementes in acerbissimos hostes fuisse videamur. IV, 6.

It would be far better to risk appearing vindictive by the severity of the measures taken against our implacable foes, than by remitting their well-deserved punishment to cause injury to the state.

Videor enim mihi videre hanc urbem, lucem orbis terrarum atque arcem omnium gentium, subito uno incendio concidentem. Cerno animo sepulta in patria miseros atque insepultos acervos civium. Versatur mihi ante oculos aspectus Cethegi, et furor in vestra caede bacchantis. Cum vero mihi proposui regnantem Lentulum, sicut ipse ex fatis se sperasse confessus est, purpuratum esse huic Gabinium, cum exercitu venisse Catilinam, tum lamentationem matrum familias, tum fugam virginum atque puerorum ac vexationem virginum Vestalium perhorresco; et quia mihi vehementer haec videntur misera atque miseranda, idcirco in eos qui ea perficere voluerunt me severum vehementemque praebeo. Etenim quaero, si quis pater familias, liberis suis a servo interfectis, uxore occisa, incensa domo, supplicium de servo non quam acerbissimum sumpserit, utrum is clemens ac misericors, an inhumanissimus et crudelissimus esse videatur? Mihi

In Catilinam.

vero importunus ac ferreus, qui non dolore et cruciatu nocentis suum dolorem cruciatumque lenierit. Sic nos in his hominibus — qui nos, qui coniuges, qui liberos nostros trucidare voluerunt; qui singulas unius cuiusque nostrum domos et hoc universum rei publicae domicilium delere conati sunt; qui id egerunt, ut gentem Allobrogum in vestigiis huius urbis atque in cinere deflagrati imperi conlocarent,— si vehementissimi fuerimus, misericordes habebimur: sin remissiores esse voluerimus, summae nobis crudelitatis in patriae civiumque pernicie fama subeunda est. IV, 6.

For I seem to myself to see this city, the light of the world, and the citadel of all nations, suddenly falling by one conflagration. I see in my mind's eye miserable and unburied heaps of citizens in my buried country; the sight of Cethegus and his madness raging amid your slaughter is ever present to my mind's eye. But when I have set before myself Lentulus reigning, as he himself confesses that he had hoped was his destiny, and this Gabinius arrayed in the purple, and Catiline arrived with his army, then I shudder at the lamentation of matrons, and the flight of virgins and of boys, and the insults to the vestal virgins; and because these things appear to me exceedingly miserable and pitiable, therefore I show myself severe and rigorous to those who have wished to bring about this state of things. I ask, forsooth, if any father of a family, supposing his children had been slain by a slave, his wife murdered, his house burnt, were not to inflict on his slaves the severest possible punishment, would he appear clement and merciful, or most inhuman and cruel? To me he would seem unnatural and hard-hearted who did not soothe his own pain and anguish by the pain and torture of the criminal. And so we, in the case of these men who desired to murder us, and our wives, and our children; who endeavored to destroy the houses of every individual among us, and also the Republic, the home of all; who designed to place the nation of the Allobroges on the ruins of this city and on the ashes of the Empire destroyed by fire — if we are very rigorous, we shall be considered merciful; if we choose to be lax, we must endure the reputation of being guilty of the greatest cruelty, to the damage of our country and our fellow-citizens.

Nunc, ante quam ad sententiam redeo, de me pauca dicam. Ego, quanta manus est coniuratorum, quam videtis esse permagnam, tantam me inimicorum multitudinem suscepisse video: sed eam iudico esse turpem et infirmam et abiectam. Quod si aliquando alicuius furore et scelere

concitata manus ista plus valuerit quam vestra ac rei publicae dignitas, me tamen meorum factorum atque consiliorum numquam, patres conscripti, poenitebit. Etenim mors, quam illi fortasse minitantur, omnibus est parata: vitae tantam laudem, quanta vos me vestris decretis honestastis, nemo est adsecutus. Ceteris enim semper bene gesta, mihi uni conservata re publica, gratulationem decrevistis. IV, 10. *In Catilinam.*

Now, before I return to the decision, I will say a few words concerning myself. As numerous as is the band of conspirators — and you see that it is very great — so numerous a multitude of enemies do I see that I have brought upon myself. But I consider them base and powerless and despicable and abject. And if at any time that band shall be excited by the wickedness and madness of anyone, and shall show itself more powerful than your dignity and that of the Republic, yet, O Conscript Fathers, I shall never repent of my actions and of my advice! Death, indeed, which they perhaps threaten me with, is prepared for all men; such glory during life as you have honored me with by your decrees no one has ever attained to. For you have passed votes of congratulation to others for having governed the Republic successfully, but to me alone for having saved it.

IN PISONEM

Vultus totus sermo quidam tacitus mentis est. 1. *In Pisonem.*

The whole countenance is a certain silent language of the mind.

Abdomini suo natus, non laudi atque gloriae. 17.

Born for the gratification of his appetite and not for the acquisition of glory and honor.

Sua quemque fraus, suum facinus, suum scelus, sua audacia de sanitate ac mente deturbat: hae sunt impiorum furiae, hae flammae, hae faces. 20.

It is a man's own dishonesty, his crimes, his wickedness, and barefaced assurance, that take away from him soundness of mind; these are the furies, these the flames and firebrands of the wicked.

Levitatis est inanem aucupari rumorem. 24.

It is the sign of a trifling character to grasp at fame that is got by silly reports.

In Pisonem. Philosophia, ut fertur, virtutis continet et officii et bene vivendi disciplinam. 29.

Philosophy comprises the understanding of virtue, of duty, and of right living.

Quae quidem laudatio hominis turpissimi mihi ipsi erat paene turpis. 29.

Such praise, coming from so degraded a source, was degrading to me, its recipient.

(Deinde hoc ita fit ut) viri fortes, etiam si ferro inter se cominus decertarint, tamen illud contentionis odium simul cum ipsa pugna armisque ponant. 32.

Brave men, though they have been engaged in mortal combat, lay aside their hatred when they sheathe their swords.

Habet hoc virtus . . . . ut species ejus et pulchritudo, etiam in hoste posita, delectet. 32.

There is this to be said of virtue, that its beauty and charm delight us, even in an enemy.

Si quidem potest vi et metu extortum honorarium nominari. 35.

How can we describe as an honorarium what is extorted by force or by fear?

IN VATINIUM

In Vatinium. Quid quisque nostrum de se ipse loquatur, non est, sane, non est requirendum. Boni viri judicent. Id est maxime momenti et ponderis. 4.

What each one of us thinks of himself is really not the question. Let us take the opinion of virtuous men, which will have weight and importance.

IN VERREM

In Verrem. Nihil esse tam sanctum quod non violari, nihil tam munitum quod non expugnari pecunia possit. 1, 2.

There is no sanctuary so holy that money cannot profane it, no fortress so strong that money cannot take it by storm.

Nulla est laus ibi esse integrum, ubi nemo est, qui aut possit aut conetur corrumpere. I, 16. *In Verrem.*

There is no cause for glorying in being upright, where no one has the power or is trying to corrupt you.

Omnium est communis inimicus, qui fuit hostis suorum. Nemo unquam sapiens proditori credendum putavit. II, 1, 15.

He is a common enemy who has been a foe to his own people. No man of sense has ever considered a traitor worthy of credence.

Nemo unquam sapiens proditori credendum putavit. II, 1, 15.

No wise man ever thought that a traitor ought to be trusted.

Nullae sunt occultiores insidiae, quam eae quae latent in simulatione officii aut in aliquo necessitudinis nomine. II, 1, 15.

A conspiracy is never more difficult of detection than when it is concealed under a pretense of duty, or of some alleged necessity.

Non modo proditori, sed ne perfugae quidem locus in meis castris cuiquam fuit. II, 1, 38.

Not only no traitor, but no deserter even, has ever found a place in my camp.

Jus tam nequam esse Verrinum. II, 1, 46.

So nefarious is Verrine justice.

Incertum est, quam longa nostrum cujusque vita futura sit. II, 1, 58.

It is uncertain how long the life of each of us will be.

Qui sibi hoc sumit ut corrigat mores aliorum ac peccata reprehendat, quis huic ignoscat, si qua in re ipse ab religione officii declinarit? II, 3, 1.

When a man takes upon himself to correct the manners of his neighbor and to reprove his faults, who will forgive him if he has deviated in the slightest degree from the precise line of his duty?

In Verrem. Omnia, quae vindicaris in altero, tibi ipsi vehementer fugienda sunt. II, 3, 2.

Everything that thou reprovest in another thou must above all take care that thou art not thyself guilty of.

O consuetudo peccandi! quantam habes jucunditatem improbis et audacibus, quum poena abfuit et licentia consecuta est! II, 3, 76.

Alas, the habit of evil-doing! what pleasure it affords to the depraved and the shameless, when punishment is in abeyance and has been replaced by license.

Ita serpit illud insitum natura malum consuetudine peccandi libera, finem audaciae ut statuere ipse non possit. II, 3, 76.

The evil implanted in man by nature spreads so imperceptibly, when the habit of wrong-doing is unchecked, that he himself can set no limit to his shamelessness.

Totae res rusticae ejusmodi sunt, ut eas non ratio neque labor, sed res incertissimae, venti tempestatesque moderentur. II, 3, 98.

All the results of agriculture are dependent, not so much on reason and diligence, as on those most uncertain of all things, winds and weather.

Cognatio studiorum et artium propemodum non minus est conjuncta quam generis et nominis. II, 4, 37.

A relationship in pursuits and habits is almost as important as the relationship of name and family.

Res sacras non modo manibus attingi, sed ne cogitatione quidem violari fas fuit. II, 4, 45.

Things sacred should not only not be touched with the hands, but may not be violated even in thought.

Civis Romanus sum. II, V, 57.

I am a Roman citizen.

Sua confessione juguletur necesse est. II, 5, 64.

He must be convicted by his own confession.

Tacitae magis et occultae inimicitiae timendae sunt quam indictae atque apertae, II, 5, 71. *In Verrem*

There is more to be feared from unspoken and concealed, than from open and declared hostility.

ORATOR

Prima enim sequentem, honestum est in secundis, tertiisque consistere. 1. *Orator.*

When you are aspiring to the highest place, it is honorable to reach the second, or even to linger in the third rank.

Sed ego sic statuo, nihil esse in ullo genere tam pulchrum, quo non pulchrius id sit, unde illud, ut ex ore aliquo, quasi imago, exprimatur, quod neque oculis, neque auribus, neque ullo sensu percipi potest: cogitatione tantum, et mente complectimur. 2.

I am of opinion that there is nothing of any kind so beautiful, but there is something still more beautiful, of which this is the mere image and expression — as a portrait is of a person's face — a something which can neither be perceived by the eyes, the ears, nor any of the senses; we comprehend it merely in the thoughts of our minds.

Nam et grandiloqui, ut ita dicam, fuerunt cum ampla et sententiarum gravitate, et majestate verborum, vehementes, varii, copiosi, graves: ad permovendos, et convertendos animos instructi, et parati: quod ipsum alii aspera, tristi, horrida oratione, neque perfecta, neque conclusa; alii levi, et instructa, et terminata. 5.

For there have been grandiloquent orators, so to speak, impressive and sonorous in their language, vehement, versatile, and copious; well trained and prepared to excite and turn the minds of their audience; while the same effect has been produced by others, by a rude, rough, unpolished mode of address, without finish or delicacy; others, again, have effected the same by smooth, well-turned periods.

Et contra tenues, acuti, omnia docentes, et dilucidiora, non ampliora, facientes, subtili quadam, et pressa oratione limati. In eodemque genere alii callidi, sed impoliti, et consulto rudium similes et imperitorum: alii in eadem

Orator.

jejunitate concinniores, id est, faceti, florentes etiam, et leviter ornati. 6.

On the other hand, there are orators of subtle and acute minds, well educated, making every subject which they treat clear, but adding little in reality to our knowledge, refined and correct in their language. Among these some are crafty, but unpolished, and purposely rude and apparently unskilful; while others exhibit more elegance in their barrenness and want of spirit — that is to say, they are facetious, flowery in their language, and exhibit a shallow polish.

Quae est autem in hominibus tanta perversitas, ut inventis frugibus glande vescantur? 9.

What perversity is this in mankind, that when fruits are to be found they prefer to live on acorns?

Mira est enim quaedam natura vocis: cujus quidem, e tribus omnino sonis, inflexo, acuto, gravi, tanta sit, et tam suavis varietas perfecta in cantibus. 17.

Wonderful indeed is the power of the voice, which, though consisting merely of three sounds — the bass, treble, and tenor — yet possesses great strength and a sweet variety, as is shown in songs.

In omnibus rebus vivendum est, quatenus, etsi enim suus cuique modus est, tamen magis offendit nimium, quam parum. In quo Apelles pictores quoque eos peccare dicebat, qui non sentirent, quid esset satis. 22.

In everything we must consider how far we ought to go, for though everything has its proper medium, yet too much is more offensive than too little. Hence Apelles used to say that those painters committed a fault who did not know what was enough.

Is enim est eloquens, qui et humilia subtiliter, et magna graviter, et mediocria temperate potest dicere. 29.

He is the eloquent man who can treat subjects of a humble nature with delicacy, lofty things impressively, and moderate things temperately.

Omnia profecto quum se a coelestibus rebus referet ad humanas, excelsius magnificentiusque et dicet et sentiet. 34.

When a man turns from the study of divine philosophy to the affairs of humanity, all his thoughts and words will be loftier and nobler.

Nescire autem, quid antea, quam natus sis, acciderit, id est semper esse puerum. 34. *Orator.*

Not to know what happened before one was born is always to be a child.

Omnium magnarum artium, sicut arborum, altitudo nos delectat, radices stirpesque non item; sed esse illa sine his non potest. 43.

The arts, in their loftier developments, resemble trees, which please us by the height to which they have attained, while we pay no regard to their roots or their trunks; and yet, without the latter, the former could not exist.

Me autem, sive pervagatissimus ille versus, qui vetat,

"Artem pudere proloqui, quam factites,"

dissimulare non sinit, quin delecter. 43.

That very common verse which forbids us "to be ashamed of speaking of the profession which we practice," does not allow me to conceal that I take delight in it.

Nec ego id quod deest antiquitati flagito potius quam laudo quod est; praesertim quum ea majora judicem quae sunt, quam illa quae desunt. 50.

I am quite as ready to praise what is found in antiquity as to blame what is missing; especially as, in my opinion, its qualities outweigh its defects.

Notatio natiorae, et animadversio peperit artem. 55.

Art is born of the observation and investigation of nature.

Necessitatis inventa sunt antiquiora quam voluptatis. 55.

The inventions dictated by necessity are of an earlier date than those of pleasure.

PARADOXA

Nihil est tam incredibile quod non dicendo fiat probabile; nihil tam horridum, tam incultum, quod non splendescat oratione et tanquam excolatur. *Prooemium.* *Paradoxa.*

There is nothing too incredible to be rendered probable by a skilful speaker; there is nothing so uncouth, nothing so unpolished, that eloquence cannot ennoble and refine it.

Paradoxa.

Nunquam mehercule ego neque pecunias istorum, neque tecta magnifica, neque opes, neque imperia neque eas, quibus maxime adstricti sunt, voluptates in bonis rebus aut expetendis esse duxi: quippe cum viderem, rebus his circumfluentibus ea tamen desiderare maxime, quibus abundarent; neque enim expletur umquam, nec satiatur cupiditatis sitis: neque solum, ea qui habent, libidine augendi cruciantur sed etiam amittendi metu. I, 1.

I have never, by Hercules, considered heaps of money, magnificent palaces, influence in the state, military commands, nor any of those pleasures of which men are particularly fond, as things either good in themselves or to be desired; inasmuch as I saw that those who abounded in them still desired them the most. The thirst of desire is never filled nor fully satisfied; those who possess such things are tormented not only with the wish to increase them, but also with the fear of losing them.

Plus apud me tamen vera ratio valebit quam vulgi opinio. I, 1.

Sound argument will have more weight with me than popular opinion.

Omnia mea porto mecum. [A saying of Bias] I, 1.

I carry all my worldly goods with me.

Nihil est aliud bene et beate vivere, nisi honeste et recte vivere. I, 3.

To live well and happily is nothing else than to live honestly and uprightly.

Mors terribilis est iis, quorum cum vita omnia extinguuntur; non iis, quorum laus emori non potest: exsilium autem illis, quibus quasi circumscriptus est habitandi locus; non iis, qui omnem orbem terrarum, unam urbem esse ducunt. Te miseriae, te aerumnae premunt, qui te beatum, qui florentem putas; tuae libidines te torquent: tu dies, noctesque cruciaris; cui nec sat est, quod est, et idipsum, ne non sit diuturnum, times: te conscientiae stimulant maleficiorum tuorum: te metus exanimant judiciorum, atque legum: quocumque adspexisti, ut furiae, sic tuae tibi occurrunt injuriae, quae te respirare non sinunt. II, 1.

Death is terrible to those with whose life all things come to an end, not to those whose fame cannot die; but banishment is terrible to those who possess, as it were, a confined and circumscribed

abode; not to those who consider the whole habitable globe as one city. Miseries and calamities press upon thee who thinkest thyself rich and increased with goods. Thy lusts torture thee; thou art tormented night and day; who never considerest enough what thou hast, and even fearest, lest that which thou hast should not continue with thee. The consciousness of thy evil deeds goads thee to madness; the fear of judgment and of the law racks thy mind; wherever thou turnest thy eyes, thy unjust deeds, like furies, meet thee, and do not suffer thee to breathe. *Paradoxa.*

Una virtus est, consentiens cum ratione et perpetua constantia. Nihil huic addi potest, quo magis virtus sit: nihil demi, ut vertutis nomen relinquatur. III, 1.

There is but one virtue, which is in consonance with reason and inflexible rectitude. Nothing can be added to this which will increase its claim to the title of virtue: nothing can be subtracted if that title is to remain.

Quis igitur vivit, ut vult, nisi qui recta sequitur, qui gaudet officio, cui vivendi via considerata, atque provisa est? qui legibus quidem non propter metum paret, sed eas sequitur, atque colit, quia id salutare maxime esse judicat: qui nihil dicit, nihil facit, nihil cogitat denique, nisi libenter, ac libere: cujus omnia consilia, resque omnes, quas gerit, ab ipso proficiscuntur, eodemque feruntur: nec est ulla res, quae plus apud eum polleat, quam ipsius voluntas, atque judicium: cui quidem etiam (quae vim habere maximam dicitur) Fortuna ipsa cedit: sicut sapiens poëta dixit: "Suis ea cuique fingitur moribus." V, 1.

Who therefore lives as he wishes, but the man who leads an upright life, who rejoices in the performance of his duty, who has considered well and thoughtfully the path of life he ought to pursue? who does not submit to the laws from fear, but pays respect and obedience to them because he considers that this is the most proper course; who says, does, and thinks nothing, in short, but of his own will, and freely; all whose plans and all whose acts are derived from and return to himself; nor is there anything which has more authority with him than his own wishes and judgment. Even Fortune herself, which is said to have the greatest power, gives way to him: as the wise poet has said—"A man's fortune has its form given to it by his habits."

Animus hominis dives, non arca appellari solet. Quamvis illa sit plena, dum te inanem videbo, divitem non putabo. VI, 1.

Paradoxa.

It is a man's mind and not his money chest which is called rich. Though your coffers be full, while I see you empty, I shall never consider you wealthy.

O dii immortales! non intelligunt homines, quam magnum vectigal sit parsimonia. VI, 3.

Ye immortal gods! men know not how great a revenue economy is.

Contentum vero suis rebus esse, maximae sunt certissimaeque divitiae. VI, 3.

To be content with what one has is the greatest and truest riches.

Etenim si isti callidi rerum aestimatores, prata, et areas quasdam magno aestimant, quod ei generi possessionum minime quasi noceri potest: quanti est aestimanda virtus, quae nec eripi, nec surripi potest unquam: neque naufragio, neque incendio amittitur: nec tempestatum, nec temporum permutatione mutatur? qua praediti qui sunt, soli sunt divites. VI, 3.

For, if those cunning valuers of things prize highly meadows and certain pieces of ground, because such kind of possessions can be but little injured, at what a rate ought virtue to be esteemed, which can neither be taken away nor stolen; nor can we lose it by shipwreck or fire; nor is it to be changed by the power of tempests, or time? those who possess it are alone rich.

PHILIPPICAE

Philippicae.

Fit enim plerumque, ut ii, qui boni quid volunt afferre, affingant aliquid, quo faciant id, quod nuntiant, laetius. I, 3.

For it generally happens that those who wish to tell us good news make some fictitious addition, that the news which they bring us may give us more joy.

Est autem gloria laus recte factorum magnorumque in rempublicam fama meritorum, quae quum optimi cujusque, tum etiam multitudinis testimonio comprobatur. I, 12.

True glory lies in noble deeds, and in the recognition, alike by leading men and by the nation at large, of valuable services rendered to the State.

Beatus est nemo qui ea lege vivit, ut non modo impune, sed etiam cum summa interfectoris gloria interfici potest. I, 14.

No one is happy who lives such a life that his murder would be no crime, but would rather redound to the credit of his murderer.

Mihi fere satis est, quod vixi, vel ad aetatem vel ad gloriam: huc si quid accesserit, non tam mihi quam vobis reique publicae accesserit. I, 15.

I have lived as long as I desire, in respect both of my years and of my honors; if my life be prolonged, it will be prolonged less for myself than for you and the state.

Quid est aliud, tollere e vita vitae societatem, quam tollere amicorum colloquia absentium? II, 4.

To take the companionship of life from life, what else is it than to take away the means of absent friends conversing together?

Cedant arma togae. II, 8.

Let the soldiers yield to the civilian.

Quid enim interest inter suasorem facti et probatorem? II, 12.

What difference is there between him who instigates and him who approves the crime?

Cui bono fuerit? II, 14.

Whom did it benefit?

Mihi enim omnis pax cum civibus, bello civili utilior videbatur. II, 15.

I consider that peace at any price with our fellow-citizens is preferable to civil war.

Homines, quamvis in turbidis rebus sint, tamen, si modo homines sunt, interdum animis relaxantur. II, 16.

In whatever trouble men may be, yet so long as they are men, they must occasionally have their moments of cheerfulness.

Male parta, male dilabuntur. II, 27.

What is dishonestly got vanishes in profligacy.

Philippicae. Tam bonus gladiator rudem tam cito accepit? II, 29.

Has so great a swordsman so early accepted the wooden foil?

Non est ab homine nunquam sobrio postulanda prudentia. II, 32.

Prudence is not to be expected from a man that is never sober.

Timor non est diuturnus magister officii. II, 36.

Fear is never a lasting teacher of duty.

In publicis nihil est lege gravius: in privatis firmissimum est testamentum. II, 42.

In public affairs there is nothing weightier than law; in private matters nothing more binding than a will.

Et nomen pacis dulce est et ipsa res salutaris, sed inter pacem et servitutem plurimum interest. Pax est tranquilla libertas, servitus postremum malorum omnium, non modo bello, sed morte etiam repellendum. II, 44.

The name of peace is sweet, and the thing itself is salutary, but between peace and slavery there is a wide difference. Peace is undisturbed liberty, slavery is the worst of all evils, to be resisted at the cost of war, nay even of death.

Satis in ipsa conscientia pulcherrimi facti fructus est. II, 44.

There is a sufficient recompense in the very consciousness of a noble deed.

Fuit in illo ingenium, ratio, memoria, litterae, cura, cogitatio, diligentia: res bello gesserat, quamvis reipublicae, calamitosas, attamen magnas; multos annos regnare meditatus, magno labore, magnis periculis quod cogitarat effecerat: muneribus, monumentis, congiariis, epulis multitudinem imperitam, delenierat: suos praemiis, adversarios clementiae specie devinxerat. Quid multa? attulerat jam liberae civitati partim metu, partim patientia consuetudinem serviendi. [Of Julius Caesar] II, 45.

He had great natural capacity, judgment, memory, and culture; was painstaking, thoughtful, and earnest; his military exploits, though disastrous to his country, were of the first magnitude; he

aimed for many years at the supreme power, and eventually, after great hardships and no little peril, reached the summit of his ambition; he had won the affections of the ignorant populace by means of entertainments, banquets, largesses, and other public benefactions, while he had bound his immediate followers to him by his liberality, his opponents by an appearance of clemency. In a word, he had so revolutionized public feeling, that partly from fear, and partly from acquiescence, a state which prided itself upon its freedom had become accustomed to subjection. *Philippicae.*

Defendi republicum adolescens; non deseram senex; contempsi Catilinae gladios; non pertimescam tuos. Quin etiam corpus libenter obtulerim, si repraesentari morte mea libertas civitatis potest; ut aliquando dolor populi Romani pariat quod jamdiu parturit. Etenim si, abhinc prope annos viginti, hoc ipso in templo, negavi posse mortem immaturam esse consulari, quanto verius nunc negabo seni! Mihi vero, jam etiam optanda mors est, perfuncto rebus iis quas adeptus sum quasque gessi. Duo modo haec opto; unum, ut moriens populum Romanum liberum relinquam; hoc mihi maius a dis immotalibus dari nihil potest: alterum ut ita cuique eveniat ut de republica quisque mereatur. II, 46.

As a youth I defended the state; aged, I will not fail her. I spurned the sword of Catiline; I will not tremble at thine. Nay, I would gladly give my body to death, if that could assure the liberty of our country and help the pains of the Roman people to bring to birth the fruit of its long travail. Why, nearly twenty years ago in this very temple I declared that death could not come too soon for a man who had enjoyed a consulship. With how much more truth shall I declare it in my age! To me death is to be desired; I have finished with those rewards which I gained and those honors which I have achieved. Only these two prayers I make: one, that at my death I may leave the Roman people free (than this nothing greater could be granted by the immortal gods), and, secondly, that every man may so be requited as he may deserve at the hands of the Republic.

Breve tempus longum est imparatis. III, 1.

A short time is long enough for those that are unprepared.

O praeclarum custodem ovium, ut aiunt, lupum! III, 11.

What a splendid shepherd is the wolf! as the saying goes.

Philippicae. Nihil est detestabilius dedecore, nihil foedius servitute; ad decus et libertatem nati sumus; aut haec teneamus aut cum dignitate moriamur. III, 14.

There is nothing more painful than dishonor, nothing more vile than slavery. We have been born for the enjoyment of honor and liberty; let us either retain these or die with dignity.

Jucundiorem autem faciet libertatem servitutis recordatio. III, 14.

Liberty is rendered even more precious by the recollection of servitude.

Quanquam omnia alia incerta sunt, caduca, mobilia: virtus est una altissimis defixa radicibus, quae nunquam ulla vi labefactari potest, nunquam demoveri loco. IV, 5.

While all other things are uncertain, evanescent, and ephemeral, virtue alone is fixed with deep roots; it can neither be overthrown by any violence or moved from its place.

Nervos belli, pecuniam. V, 2.

Money, the sinews of war.

Minimis momentis maximae inclinationes temporum fiunt. V, 10.

The most important events are often determined by very trivial influences.

Omne malum nascens facile opprimitur: inveteratum fit plerumque robustius. V, 11.

Every evil at its birth is easily suppressed; but, if it be of long standing, it will offer a stouter resistance.

Plerisque in rebus gerendis tarditas et procrastinatio odiosa est. VI, 3.

In the management of most things slowness and procrastination are hateful.

Aliae nationes servitutem pati possunt; populi Romani res est propria libertas. VI, 7.

Other nations may be able to endure slavery; but liberty is the very birthright of the Roman people.

Si pace frui volumus, bellum gerendum est; si bellum omittimus, pace nunquam fruemur. VII, 6.

If we desire to enjoy peace, we must first wage war; if we shrink from war, we shall never enjoy peace.

Cavete, per deos immortales! patres conscripti, ne spe praesentis pacis perpetuam pacem amittatis. VII, 8.

For heaven's sake beware, lest in the hope of maintaining peace now, we lose the chance of a lasting peace hereafter.

Summi gubernatores in magnis tempestatibus a vectoribus admoneri solent. VII, 9.

Even the ablest pilots are willing to receive advice from passengers in tempestuous weather.

Scelerum promissio et iis, qui expectant, perniciosa est et iis, qui promittunt. VIII, 3.

The promise of what is unjust brings evil both on those who are expecting it, and on those who make the promise.

In corpore si quid ejusmodi est, quod reliquo corpori noceat, id uri secarique patimur, ut membrum aliquod potius quam totum corpus intereat: sic in reipublicae corpore, ut totum salvum sit, quidquid est pestiferum amputetur. VIII, 5.

If in the body there is anything of such a nature as to be injurious to the rest of the body, we permit it to be burnt out, or cut away, preferring to lose one of the members, rather than the whole body; so in the body politic, that the whole may be preserved, it is necessary to amputate whatever is noxious.

Turpis autem fuga mortis omni est morte pejor. VIII, 10.

Dishonorable flight from death is worse than any death.

Vita enim mortuorum in memoria est posita vivorum. IX, 5.

The dead live in the memory of the living.

Est enim sapientis, quidquid homini accidere possit, id praemeditari ferendum modice esse, si advenerit: majoris omnino est consilii, providere, ne quid tale accidat, sed animi non minoris, fortiter ferre, si evenerit. XI, 3.

Philippicae.

The wise should recollect that every event of life must be borne with patience, but it shows a still higher character to anticipate and prevent coming evils, though it is not less noble to bear them with fortitude when they have overtaken us.

Nam, quo major vis est animi, quam corporis, hoc sunt graviora ea, quae concipiuntur animo quam illa, quae corpore. XI, 4.

For even as the strength of the mind surpasses that of the body, so also the sufferings of the mind are more severe than the pains of the body.

Duas tamen res, magnas praesertim, non modo agere uno tempore, sed ne cogitando quidem explicare quisquam potest. XI, 9.

It is impossible, either in action or in thought, to attend to two things at once, especially if they are of any importance.

Est enim lex nihil aliud nisi recta et a numine deorum tracta ratio, imperans honesta, prohibens contraria. XI, 12.

What is law but a divinely inspired ethical system, inculcating morality, and forbidding all that is opposed thereto?

Nihil enim semper floret; aetas succedit aetati. XI, 15.

Nothing maintains its bloom forever; age succeeds to age.

Cujusvis hominis est errare: nullius, nisi insipientis, in errore perseverare. XII, 2.

Every man may err, but no man who is not a fool may persist in error.

Posteriores cogitationes, ut aiunt, sapientiores solent esse. XII, 2.

Second thoughts, they say, are generally best.

Optimus est portus poenitenti mutatio consilii. XII, 2.

The safest haven for the penitent is altered conduct.

Qui multorum custodem se profiteatur, eum sapientes sui primum capitis aiunt custodem esse oportere. XII, 10.

The wise say that he to whose care the safety of many is entrusted must first show that he can take care of himself.

Neque enim quod quisque potest, id ei licet, nec si non obstatur, propterea etiam permittitur. XIII, 6. *Philippicae.*

It is not the case that whatever is possible to a man is also lawful, nor is a thing permitted simply because it is not forbidden.

O miser, quum re, tum hoc ipso, quod non sentis quam miser sis. XIII, 17.

O miserable man, both in fact, and in this also, that you know not how miserable you are!

Postremum omnium maximam turpitudinem suscipere vitae cupiditate. XIII, 21.

The worst of all is to incur the greatest disgrace as a result of a desire of life.

O fortunata mors, quae naturae debita pro patria est potissimum reddita! XIV, 12.

Happy the death of him who pays the debt of nature for his country's sake.

In fuga foeda mors est; in victoria gloriosa. XIV, 12.

In flight death is disgraceful; in victory, glorious.

Brevis a natura nobis vita data est; at memoria bene redditae vitae sempiterna. XIV, 12.

Short is the life which nature has given us: but the memory of a life nobly laid down is eternal.

POST REDITUM IN SENATU

Etenim ulciscendae injuriae facilior ratio est, quam beneficii remunerandi, propterea quod superiorem esse contra improbos, minus est negotii, quam bonis exaequari. I, 9. *Post Reditum In Senatu.*

We can more easily avenge an injury than requite a kindness; for this reason: that there is less difficulty in getting the better of the wicked than in making one's self equal with the good.

Omnium gentium facile princeps. II, 3.

Easily the leader among the nations.

PRO ARCHIA

Pro Archia. Omnes artes quae ad humanitatem pertinent, habent quoddam commune vinculum, et quasi cognatione quadam inter se continentur. 1.

All the arts which belong to humanity have a common bond of union, and, so to say, relationship.

An tu existimas aut suppetere nobis posse, quod quotidie dicamus in tanta varietate rerum, nisi animos nostros doctrina excolamus, aut ferre animos tantam posse contentionem, nisi eos doctrina eadem relaxemus? 6.

Do you imagine that I could find materials for my daily speeches on such a variety of subjects, if I did not improve my mind by literary pursuits; or that I could bear up against such a strain, if I did not relieve it occasionally by philosophical inquiries?

Nam, nisi multorum praeceptis, multisque literis mihi ab adolescentia suasissem, nihil esse in vita magnopere expetendum, nisi laudem atque honestatem, in ea autem persequenda omnes cruciatus corporis, omnia pericula mortis atque exilii, parvi esse ducenda: nunquam me pro salute vestra in tot ac tantas dimicationes, atque in hos profligatorum hominum quotidianos impetus objecissem. 6.

For, if, from my youth upwards, I had not been thoroughly convinced by the precepts of many philosophers, and by my own literary investigations, that there is nothing in this life really worthy of being desired except glory and honor, and that, in the pursuit of these, even bodily torture, death, and banishment are of little account, I should never, in your defense, have thrown myself into so many and such severe struggles, nor exposed myself to the daily attacks of these abandoned citizens.

Etiam illud adjungo, saepius ad laudem atque virtutem naturam sine doctrina, quam sine natura valuisse doctrinam. 7.

I add this also, that nature without education has oftener raised man to glory and virtue, than education without natural abilities.

Nam ceterae neque temporum sunt, neque aetatum omnium, neque locorum: haec studia adolescentiam agunt

senectutem oblectant, secundas res ornant, adversis perfugium ac solatium praebent, delectant domi, non impediunt foris, pernoctant nobiscum, peregrinantur, rusticantur. 7.

For the other employments of life do not suit all times, ages, or places; whereas literary studies employ the thoughts of the young, are the delight of the aged, the ornament of prosperity, the comfort and refuge of adversity, our amusement at home, no impediment to us abroad, employ our thoughts on our beds, attend us on our journeys, and do not leave us in the country.

Atqui sic a summis hominibus eruditissimisque accepimus, ceterarum rerum studia, et doctrina, et praeceptis, et arte constare; poëtam natura ipsa valere, et mentis viribus excitari, et quasi divino quodam spiritu inflari. Quare suo jure noster ille Ennius sanctos appellat poëtas, quod quasi deorum aliquo dono atque munere commendati nobis esse videantur. Sit igitur, judices, sanctum apud vos, humanissimos homines, hoc poëtae nomen, quod nulla umquam barbaria violavit. Saxa et solitudines voci respondent; bestiae saepe immanes cantu flectuntur atque consistunt: nos instituti rebus optimis non poëtarum voce moveamur? 8.

I have always learned from the noblest and wisest of men, that a knowledge of other things is acquired by learning, rules, and art, but that a poet derives his power from nature herself — that the qualities of his mind are given to him, if I may say so, by divine inspiration. Wherefore rightly does Ennius regard poets as under the special protection of heaven, because they seem to be delivered over to us as a beneficent gift by the gods. Let then, judges, this name of poet, which even the very savages respect, be sacred in your eyes, men as you are of the most cultivated mind. Rocks and deserts re-echo to their voice; even the wildest animals turn and listen to the music of their words; and shall we, who have been brought up to the noblest pursuits, not yield to the voice of poets?

Quam multos scriptores rerum suarum magnus ille Alexander secum habuisse dicitur? Atque is tamen, quum in Sigeo ad Achillis tumulum adstitisset, "O fortunate," inquit, "adolescens, qui tuae virtutis Homerum praeconem inveneris." Et vere: nam, nisi Ilias illa exstitisset, idem

Pro Archia. tumulus, qui corpus ejus contexerat, nomen etiam obruisset. 10.

How many historians is Alexander the Great said to have had with him to transmit his name to posterity? And yet, as he stood on the promontory of Sigeum by the tomb of Achilles, he exclaimed: "O happy youth, who found a Homer to herald thy praise!" And with reason did he say so; for if the *Iliad* had never existed, the same tomb which covered his body would also have buried his name.

Trahimur omnes laudis studio, et optimus quisque maxime gloria ducitur. 11.

We are all excited by the love of praise, and it is the noblest spirits that feel it most.

Ipsi illi philosophi etiam illis libellis, quos de contemnenda gloria scribunt, nomen suum inscribunt; in eo ipso in quo praedicationem nobilitatemque despiciunt, praedicari de se, ac nominari volunt. 11.

Even those very philosophers who write treatises on the despising of fame put their names on the title-page; in the very place in which they deprecate self-advertisement and notoriety they take steps to have themselves advertised and gain notoriety.

Nullam enim virtus aliam mercedem laborum periculorumque desiderat, praeter hanc laudis et gloriae, qua quidem detracta, judices, quid est, quod in hoc tam exiguo vitae curriculo, et tam brevi, tantis nos in laboribus exerceamus? Certe, si nihil animus praesentiret in posterum, et si, quibus regionibus vitae spatium circumscriptum est, eisdem omnes cogitationes terminaret suas, nec tantis se laboribus frangeret, neque tot curis vigiliisque angeretur, neque toties de vita ipsa dimicaret. Nunc insidet quaedam in optimo quoque virtus, quae noctes et dies animum gloriae stimulis concitat, atque admonet, non cum vitae tempore esse dimittendam commemorationem nominis nostri, sed cum omni posteritate aequandam. 11.

For virtue wants no other reward for all the labors and dangers she undergoes, except what she derives from praise and glory; if this be denied to her, O judges, what reason is there why we should devote ourselves to such laborious pursuits, when our life is so brief, and its course narrowed to so small a compass? As

suredly, if our minds were not allowed to look forward to the future, and if all our thoughts were to be terminated with our life, there would be no reason why we should wear out ourselves with labors, submit to all the annoyances of cares and anxiety, and fight so often even for our very lives. In the noblest there resides a certain virtuous principle, which day and night stimulates a man to glorious deeds, and warns him that the recollection of our names is not to be terminated by time, but must be made boundless as eternity.

An vero tam parvi animi videamur esse omnes, qui in republica, atque in his vitae periculis laboribusque versamur, ut, cum usque ad extremum spatium, nullum tranquillum atque otiosum spiritum duxerimus, nobiscum simul moritura omnia arbitremur? 7.

Are we all of us so poor in spirit as to think after toiling for our country and ourselves, though we have not had one moment of ease here upon earth, that when we die all things shall die with us?

Omnia quae gerebam, ut sapientissimi homines putaverunt, ad aliquam animi mei partem pertinebunt; nunc quidem certe cogitatione quadam speque delector. 12.

Everything in which I have been engaged in this world, as the wisest of men think, will be regarded in after-ages as belonging to my soul; at present, at all events, I delight myself with such thoughts and hopes.

Qua re conservate, iudices, hominem pudore eo, quem amicorum videtis comprobari cum dignitate tum etiam vetustate; ingenio autem tanto, quantum id convenit existimari, quod summorum hominum ingeniis expetitum esse videatis; causa vero eius modi, quae beneficio legis, auctoritate municipi, testimonio Luculli, tabulis Metelli comprobetur. Quae cum ita sint, petimus a vobis, iudices, si qua non modo humana, verum etiam divina in tantis ingeniis commendatio debet esse, ut eum qui vos, qui vestros imperatores, qui populi Romani res gestas semper ornavit, qui etiam his recentibus nostris vestrisque domesticis periculis aeternum se testimonium laudis daturum esse profitetur, estque ex eo numero qui semper apud omnis sancti sunt habiti itaque dicti, sic in vestram accipiatis fidem, ut

Pro Archia. humanitate vestra levatus potius quam acerbitate violatus esse videatur. 12.

Preserve then, O judges, a man of such virtue as that of Archias, which you see testified to, not only by the worth of his friends, but by the length of time during which they have been such to him; and of such genius as you ought to think is his, when you see that it has been sought by most illustrious men. And his cause is one which is approved by the benevolence of the law, by the authority of his municipality, by the testimony of Lucullus, and by the documentary evidence of Metellus. And as this is the case, we do entreat you, O judges, if there may be any weight attached, I will not say to human, but even to divine recommendation in such important matters, to receive under your protection that man who has at all times done honor to your generals and to the exploits of the Roman people; who even in these recent perils of our own, and in your domestic dangers, promises to give an eternal testimony of praise in our favor, and who forms one of that band of poets who have at all times and in all nations been considered and called holy, so that he may seem relieved by your humanity, rather than overwhelmed by your severity.

PRO CAECINA

Pro Caecina. Non dubium quin major adhibita vis ei sit, cujus animus sit perterritus, quam illi, cujus corpus vulneratum sit. 15.

There is no doubt that you can apply stronger pressure to a man whose mind is unhinged by fear, than to one who is only suffering from bodily injuries.

Quia voluntas tacitis nobis intelligi non potest, verba reperta sunt, non quae impedirent, sed quae indicarent voluntatem. 18.

Because our intentions cannot be made out if we be silent, words have been invented not to be a curb, but to point them out.

Jus civile neque inflecti gratia neque perfringi potentia, neque adulterari pecunia debet. 26.

The administration of justice ought neither to be warped by favor, nor broken through by the power of the noble, nor bought by money.

Hic est mucro defensionis meae. 29.

This is the point of my defense.

PRO CAELIO

Aliud est male dicere, aliud accusare. Accusatio crimen desiderat, rem ut definiat, hominem ut notet, argumento probet, teste confirmet. Maledictio autem nihil habet propositi praeter contumeliam. 3. *Pro Caelio.*

To slander is one thing, to accuse another. Accusation implies definition of the charge, identification of the person, proof by argument, confirmation by witnesses. Slander has no other object than the injury of a reputation.

Multi summi homines fuerunt, quorum, cum adolescentiae cupiditates defervissent, eximiae virtutes firmatâ jam aetate extiterunt. 18.

There have been many most illustrious men who, when their youthful passions had cooled down, displayed in mature age the most exalted virtues.

Vitium ventris et gutturis non modo non minuit aetas hominibus sed etiam auget. 19.

The appetites of the belly and the throat are so far from diminishing in men by time that they go on increasing.

Hinc illae lacrimae! 25.

Hence were those tears, and hence all that compassion.

O magna vis veritatis, quae, contra hominum ingenia, calliditatem, sollertiam, contraque fictas omnium insidias, facile se per se ipsa defendat! 26.

Great is the might of Truth, against whom shall be arrayed the intelligence, the cunning, the ingenuity of man, the well-laid plots of the whole world, yet she will with ease defend herself.

Insolentia voluptatum, quae cum inclusae diutius, et prima aetate compressae et constrictae fuerunt, subito se nonnunquam profundunt, atque ejiciunt universae. 31.

He was not accustomed to pleasures; which, when they are pent up for a long while and have been curbed and kept down in the early period of youth, sometimes burst forth suddenly and overthrow every obstacle.

Pro Caelio. Studia in adolescentia tanquam in herbis significant quae virtutis maturitas et quantae fruges industriae sint futurae. 31.

The desires in the young, as in herbs, point out what will be the future virtues of the man, and what great crops are likely to reward his industry.

PRO C. RABIRIO

Pro C. Rabirio. Hoc plerumque facimus ut consilia eventis ponderemus, et, cui bene quid processerit, multum illum providisse, cui secus, nihil sensisse dicamus. Postumo, 1.

Men usually judge of the prudence of a plan by the result, and are very apt to say that the successful man has had much forethought, and the unsuccessful has shown great want of it.

Etenim, Quirites, exiguum nobis vitae curriculum natura circumscripsit, immensum gloriae. Perduellionis, 10.

Nature has circumscribed the field of life within small limits, but has left the field of glory unmeasured.

PRO CLUENTIO

Pro Cluentio. Facile princeps. 5.

Easily first.

Facile intelligo non modo reticere homines parentum injurias, sed etiam animo aequo ferre oportere.

I am quite aware that men ought not only to be silent about the injuries which they suffer from their parents, but even to bear them with patience.

Sapientissimum esse dicunt eum, cui quod opus sit ipsi veniat in mentem: proxime accedere illum, qui alterius bene inventis obtemperet. In stultitia contra est. Minus enim stultus est is, cui nihil in mentem venit, quam ille, qui quod stulte alteri venit in mentem comprobat. 31.

The wisest man, they say, is he who can himself devise what is needful to be done; next comes he who will follow the sage counsels of another. The opposite holds good in folly; for he is less foolish who never has an idea of his own than he who approves the foolish ideas of others.

Ex quo intelligi potuit id, quod saepe dictum est; ut mare, quod sua natura tranquillum sit, ventorum vi agitari atque turbari; sic et populum Romanum sua sponte esse placatum, hominum seditiosorum vocibus, ut violentissimis tempestatibus, concitari. 49. *Pro Cluentio.*

Hence that was easily understood, which has been often said, that as the sea, which is calm when left to itself, is excited and turned up by the fury of the winds, so, too, the Roman people, of itself placable, is easily roused by the language of demagogues as by the most violent storms.

Mens et animus et consilium et sententia civitatis posita est in legibus. Ut corpora nostra sine mente, sic civitas sine lege, suis partibus, ut nervis et sanguine et membris, uti non potest. 53.

The mind and the soul, the judgment and the purpose of a state are centered in its laws. As a body without mind, so a state without law can make no use of its organs, whether sinews, blood, or limbs.

PRO CORNELIO BALBO

Est haec saeculi labes quaedam et macula virtuti invidere, velle ipsum florem dignitatis infringere. 6. *Pro Cornelio Balbo.*

It is the stain and disgrace of this age to envy virtue, and to be anxious to crush the budding flower of dignity.

Adsiduus usus uni rei deditus et ingenium et artem saepe vincit. 20.

Constant devotion to one particular line of business often proves superior to genius and art.

Sit hoc discrimen inter gratiosos cives atque fortes, ut illi vivi fruantur opibus suis; horum etiam mortuorum (si quisquam hujus imperii defensor mori potest) vivat auctoritas immortalis. 21.

Let us make this distinction between the citizen who is merely popular, and the citizen who is a power in the state: the former will enjoy his advantages in his lifetime, the latter will leave behind him after death (if indeed any supporter of our Empire can be said to die) a deathless authority.

Pro Cornelio Balbo.

Non esse inconstantis puto, sententiam aliquam, tanquam aliquod navigium, atque cursum, ex reipublicae tempestate moderari. 27.

I deem it no proof of inconsistency to regulate our opinions as we would a ship and a ship's course on a voyage, according to the weather which might be prevailing in the commonwealth.

PRO DOMO SUA

Pro Domo Sua.

Vi et armis. 24.

By force of arms.

Quid est sanctius, quid omni religione munitius, quam domus uniuscujusque civium? hoc perfugium est ita sanctum omnibus, ut inde abripi neminem fas sit. 41.

What is more sacred, what more closely fenced round with every description of religious reverence than the house of every individual citizen? This is the asylum of everyone, so holy a spot that it is impious to drag anyone from it.

O tempora, o mores! 53.

What times! what morals!

PRO FLACCO

Pro Flacco.

Quum in theatro imperiti homines, rerum omnium rudes ignarique, consederant; tum bella inutilia suscipiebant, tum seditiosos homines reipublicae praeficiebant, tum optime meritos cives e civitate ejiciebant. 7.

Whenever the assembly has been filled by untried men, without experience or knowledge of affairs, the result has been that useless wars have been undertaken, that agitators have seized the reins of power, and that the worthiest citizens have been driven into exile.

In hominem dicendum est igitur, quum oratio argumentationem non habet. 10.

We must make a personal attack, when there is no argumentative basis for our speech. "When you have no case, abuse the plaintiff's attorney."

PRO LEGE MANILIA

Pro Lege Manilia.

Maiores nostri saepe mercatoribus aut navicularis nostris iniuriosius tractatis bella gesserunt: vos, tot milibus civium Romanorum uno nuntio atque uno tempore necatis, quo tandem animo esse debetis? Legati quod erant appellati superbius, Corinthum patres vestri totius Graeciae lumen exstinctum esse voluerunt: vos eum regem inultum esse patiemini, qui legatum populi Romani consularem vinculis ac verberibus atque omni supplicio excruciatum necavit? Illi libertatem imminutam civium Romanorum non tulerunt: vos ereptam vitam neglegetis? ius legationis verbo violatum illi persecuti sunt: vos legatum omni supplicio interfectum relinquetis? Videte ne, ut illis pulcherrimum fuit tantam vobis imperi gloriam tradere, sic vobis turpissimum sit, id quod accepistis tueri et conservare non posse. 5.

Your ancestors have often waged war on account of their merchants and seafaring men having been injuriously treated. What ought to be your feelings when so many thousand Roman citizens have been put to death by one order and at one time? Because their ambassadors had been spoken to with insolence, your ancestors determined that Corinth, the light of Greece, should be destroyed. Will you allow that king to remain unpunished, who has murdered a lieutenant of the Roman people of consular rank, having tortured him with chains and scourging and every sort of punishment? They would not allow the freedom of Roman citizens to be diminished; will you be indifferent to their lives being taken? They avenged the privileges of our embassy when they were violated by a word; will you abandon our ambassador who has been put to death with every sort of cruelty? Take care lest, as it was a most glorious thing for them, to leave you such wide renown and such powerful empire, it should be a most discreditable thing for you not to be able to defend and preserve that which you have received.

Etenim si vectigalia nervos esse rei publicae semper duximus, eum certe ordinem, qui exercet illa, firmamentum ceterorum ordinum recte esse dicemus. Deinde ex ceteris ordinibus homines gnavi atque industrii partim ipsi in Asia negotiantur, quibus vos absentibus consulere debetis, partim eorum in ea provincia pecunias magnas conlocatas habent. Est igitur humanitatis vestrae magnum numerum

Pro Lege Manilia.

eorum civium calamitate prohibere, sapientiae videre multorum civium calamitatem a re publica seiunctam esse non posse. Etenim primum illud parvi refert, nos publica his amissis [vectigalia] postea victoria recuperare. Neque enim isdem redimendi facultas erit propter calamitatem, neque aliis voluntas propter timorem. Deinde quod nos eadem Asia atque idem iste Mithridates initio belli Asiatici docuit, id quidem certe calamitate docti memoria retinere debemus. Nam tum, cum in Asia res magnas permulti amiserant, scimus Romae, solutione impedita, fidem concidisse. Non enim possunt una in civitate multi rem ac fortunas amittere, ut non plures secum in eandem trahant calamitatem. 7.

In truth, if we have always considered the revenues as the sinews of the state, certainly we shall be right if we call that order of men which collects them, the prop and support of all the other orders. In the next place, clever and industrious men, of all the other orders of the state, are some of them actually trading themselves in Asia, and you ought to show a regard for their interests in their absence; and others of them have large sums invested in that province. It will, therefore, become your humanity to protect a large number of those citizens from misfortune; it will become your wisdom to perceive that the misfortune of many citizens cannot be separated from the misfortune of the Republic. In truth, firstly, it is of but little consequence for you afterwards to recover for the publicans revenues which have been once lost; for the same men have not afterwards the same power of contracting for them, and others have not the inclination, through fear. In the next place, that which the same Asia, and the same Mithridates taught us, at the beginning of the Asiatic war, that, at all events we, having learnt by disaster, ought to keep in our recollection. For we know then, when many had lost large fortunes in Asia, all credit failed at Rome, from payments being delayed. For it is not possible for many men to lose their property and fortunes in one city without drawing many along with them into the same vortex of disaster.

PRO LIGARIO

Pro Ligario.

Habes igitur, Tubero, quod est accusatori maxime optandum, confitentem reum. 1.

You have, therefore, Tubero, what a prosecutor most desires, a defendant who pleads guilty.

Te enim dicere audiebamus, nos omnes adversarios putare, nisi qui nobiscum essent: te omnes qui contra te non essent tuos. 11. *Pro Ligario.*

We heard you say that we reckon as adversaries all those who are not with us, while you count as friends all those who are not against you.

Homines enim ad deos nulla re propius accedunt quam salutem hominibus dando. 12.

At no time does man approach more nearly to the gods than when engaged in the rescue of his fellow-man.

PRO MARCELLO

Fortuna rerum humanarum domina. 2. *Pro Marcello.*

Fortune is the ruler of human affairs.

Animum vincere, iracundiam cohibere, victoriam temperare, adversarium nobilitate, ingenio, virtute praestantem, non modo extollere jacentem, sed etiam amplificare ejus pristinam dignitatem; haec qui faciat, non ego eum cum summis viris comparo, sed simillimum deo judico. 3.

To conquer our inclinations, to curb our angry feelings, to be moderate in the hour of victory, not merely to raise a fallen adversary, distinguished for noble birth, genius, and virtue, but even to increase his previous dignity; these actions are of such a nature, that he who does them, I would compare not with the most illustrious of men but with God himself.

Victoria natura est insolens et superba. 3.

Victory is by nature insolent and haughty.

Nihil est opera aut manu factum, quod aliquando non conficiat et consumat vetustas. 41.

There is nothing done by the labor and hands of man which sooner or later lapse of time does not bring to an end and destroy.

PRO MILONE

Negant intueri lucem esse fas ei, qui a se hominem occisum esse fateatur. 3. *Pro Milone.*

They say that it is unlawful for one to live who confesses that he has slain a man.

Pro Milone. Est igitur haec non scripta sed nata lex; quam non didicimus, accepimus, legimus, verum ex natura ipsa arripuimus, hausimus, expressimus; ad quam non docti, sed facti, non instituti sed imbuti sumus. 4.

This, therefore, is a law not found in books, but written on the fleshly tablets of the heart, which we have not learned from man, received or read, but which we have caught up from nature herself, sucked in and imbibed; the knowledge of which we were not taught, but for which we were made: we received it not by education, but by intuition.

Silent enim leges inter arma. 4.

Among drawn swords law is silent.

Non alio facinore clari homines, alio obscuri necantur. 7.

We do not inflict the death penalty for one crime on men of note, and for another on men of no position.

Principum munus est resistere levitati multitudinis. 8.

It is the duty of men of high rank to oppose the fickle disposition of the multitude.

Vi victa vis. 11.

Force overcome by force.

Nihil est enim tam molle, tam tenerum, tam aut fragile aut flexibile, quam voluntas erga nos, sensusque civium: qui non modo improbitati irascuntur candidatorum, sed etiam in recte factis saepe fastidiunt. 16.

There is nothing so susceptible, so tender, so easily broken or bent, as the good will and friendly disposition towards us of our fellow-citizens. Not only are they alienated by any want of uprightness on the part of those seeking their suffrages, but at times even they take exception to what has been rightfully done.

Quis ignorat maximam illecebram esse peccandi impunitatis spem? 16.

We all know that the greatest incentive to crime is the hope of impunity.

Res loquitur ipsa, judices, quae semper valet plurimum. 20.

Judges, the case speaks for itself, than which there is no more powerful advocacy.

Magna vis est conscientiae, judices, et magna in utramque partem; ut neque timeant, qui nihil commiserint, et poenam semper ante oculos versari putent, qui peccarint. 23. *Pro Milone.*

Great, O judges, is the power of conscience, and in more ways than one; for it frees the innocent from all fear, and keeps ever before the eyes of the guilty the dread of punishment.

Homines non modo res praeclarissimas obliviscuntur, sed etiam nefarias suspicantur. 23.

Men not only forget the mighty deeds which have been performed by their fellow-citizens, but even suspect them of the most nefarious designs.

Liberae sunt enim nostrae cogitationes. 29.

Our thoughts are free.

Exsilium ibi esse putat, ubi virtuti non sit locus: mortem naturae finem esse, non poenam. 37.

Exile, he thinks, is banishment to a place where virtue is not: death is not punishment, but nature's end.

PRO MURENA

Cedat, opinor, Sulpici, forum castris, otium militiae, stilus gladio, umbra soli: sit denique in civitate ea prima res, propter quam ipsa est civitas omnium princeps. 14. *Pro Murena.*

Let the market yield to the camp, peace to war, the pen to the sword, the shade to the sunshine; let us give the first place in the state to that which has made the state what it is — the ruler of the world.

Nihil est incertius vulgo, nihil obscurius voluntate hominum, nihil fallacius ratione tota comitiorum. 17.

Nothing is more uncertain than the masses, nothing more difficult to gauge than the temper of the people, nothing more deceptive than the opinions of the electors.

Dicunt Stoici, omnia peccata esse paria; omne delictum scelus esse nefarium, nec minus delinquere eum, qui gallum gallinaceum, quum opus non fuerit, quam eum qui patrem suffocaverit: sapientem nihil opinari, nullius rei poenitere, nulla in re falli, sententiam mutare nunquam. 29.

Pro Murena. The Stoics say that all sins are on an equality; that every fault is a heinous crime; that the man who needlessly wrings the neck of a barndoor fowl is as much a wrong-doer as he who strangles his own father; and that the wise man is never in doubt, never suffers remorse, never makes a mistake, and never changes his mind.

Nunquam sapiens irascitur. 30.

The wise man never loses his temper.

Improbi hominis est mendacio fallere. 30.

It is the act of a bad man to deceive by falsehood.

PRO PLANCIO

Pro Plancio. Neque est ullum amicitiae certius vinculum, quam consensus et societas consiliorum et voluntatum. 2.

There is no surer bond of friendship than an identity and community of ideas and tastes.

Quod ad populum pertinet, semper dignitatis iniquus judex est, qui aut invidet aut favet. 3.

So far as the mob is concerned, it is never an unbiassed judge of a man's worth, being swayed either by malice or by partiality.

Non est enim consilium in vulgo, non ratio, non discrimen, non diligentia: semperque sapientes ea quae populus fecisset ferenda, non semper laudanda, duxerunt. 4.

The mob has no judgment, no discretion, no discrimination, no consistency; and it has always been the opinion of men of sense that popular movements must be acquiesced in, but not always commended.

Populo grata est tabella, quae frontes aperit hominum, mentes tegit: datque eam libertatem, ut, quod velint, faciant: promittant autem, quod rogentur. 6.

The voting tablet is pleasing to the people, which holds up to view the countenance, while it conceals the intentions, and gives a man liberty to do what he wishes, but to promise what is asked of him.

Pietas fundamentum est omnium vertutum. 12.

Filial piety is the foundation stone of all the virtues.

Nihil est autem tam volucre quam maledictum: nihil facilius emittitur, nihil citius excipitur, nihil latius dissipatur. 23.

There is nothing swifter than calumny; nothing is more easily set on foot, more quickly caught up, or more widely disseminated.

Hujus illa vox vulgaris, "audivi," ne quid reo innocenti noceat, oramus. 23.

It is our earnest prayer that an innocent defendant may suffer no injury from evidence of that too common class, the "I have heard."

In virtute sunt multi adscensus. 25.

In the approach to virtue there are many steps.

Virtus, probitas, integritas in candidato, non linguae volubilitas, non ars, non scientia requiri solet. 25.

Virtue, honesty, uprightness are the qualities that are required in a candidate, not fluency of language, nor knowledge of arts and sciences.

M. Cato scripsit: "Clarorum virorum atque magnorum, non minus otii quam negotii, rationem exstare oportere." 27.

Marcus Cato said: "The illustrious and noble ought to place before them certain rules and regulations, not less for their hours of leisure and relaxation than for those of business."

Gratus animus est una virtus non solum maxima, sed etiam mater virtutum omnium reliquarum. 33.

A grateful mind is not only the greatest of virtues, but the parent of all the other virtues.

Quae potest esse vitae jucunditas sublatis amicitiis? 33.

What sweetness is left in life if you take away friendship?

Quis est nostrum liberaliter educatus, cui non educatores, cui non magistri sui atque doctores, cui non locus ipse ille mutus, ubi alitus aut doctus est, cum gratâ recordatione in mente versetur? 33.

Who of us is there that has been liberally brought up, who does not gratefully remember those who have brought him up, his masters, and teachers, even that mute place, where he has been nourished and taught?

Pro Plancio. Ego vero haec didici, haec vidi, haec scripta legi; haec de sapientissimis et clarissimis viris et in hac republica et in aliis civitatibus monumenta, nobis literae prodiderunt: non semper easdem sententias ab iisdem, sed, quascumque reipublicae status, inclinatio temporum, ratio concordiae postularet esse defendendas. 39.

I have learnt, seen, and read, that the following are the proper principles for the guidance of man: Ancient records and the annals of literature, both of this state and of others, have handed it down to us as the words of the wise and noble, that the same opinions and sentiments are not invariably to be supported by the same individuals, but that they ought to adopt those which may be required by the circumstances of the times, the position in which the state is placed, and according as the peace and agreement of parties may require.

PRO P. QUINCTIO

Pro P. Quinctio, Fit magna mutatio loci, non ingenii. 3.

There is indeed a change of scene, but not of nature.

Pecuniam si cuipiam fortuna ademit, aut si alicujus eripuit injuria, tamen dum existimatio est integra, facile consolatur honestas egestatem. 15.

If fortune or another's crime has deprived us of our wealth, yet so long as our reputation is untarnished, our character will console us for our poverty.

De quo libelli in celeberrimis locis proponuntur, huic ne perire quidem tacite obscureque conceditur. 15.

He who has once become celebrated in the busy centers of life is not permitted even to die in silence and obscurity.

Jugulare civem ne jure quidem quisquam bonus vult mavult enim commemorare, se, quum posset perdere pepercisse, quam, quum parcere potuerit, perdidisse. 16

No honest man desires to cause the death of a fellow-man, even by lawful means; he prefers always to remember that, when he could have destroyed, he spared, rather than that when he could have spared, he destroyed.

PRO REGE DEIOTARO

"Pereant amici, dum una inimici intercidant." [Quoted with disapproval by Cicero] 9. *Pro Rege Deiotaro.*

Let our friends perish, if only our enemies are destroyed with them.

Frugi hominem dici, non multum habet laudis in rege: fortem, justum, severum, gravem, magnanimum, largum, beneficum, liberalem; haec sunt regiae laudes, illa privata est. 9.

Frugality is no great merit in a king; courage, rectitude, austerity, dignity, magnanimity, generosity, beneficence, liberality: these are kingly qualities; frugality befits rather a private station.

Fit in dominatu servitus, in servitute dominatus. 11.

He who should be the master sometimes takes the place of the slave; he who should be the slave becomes the master.

PRO ROSCIO AMERINO

Magna est enim vis humanitatis; multum valet communio sanguinis. Portentum atque monstrum certissimum est, esse aliquem humana specie et figura, qui tantum immanitate bestias vicerit, ut propter quos hanc suavissimam lucem aspexerit, eos indignissime luce privarit. 22. *Pro Roscio Amerino.*

Strong is the bond of our common humanity; great is the tie of kinship. It is a most undeniable portent and prodigy that there should be one having the human shape, who should so exceed the beasts in savage nature as to deprive those of life, by whose means he has himself beheld this most desirable light of life.

Sua quemque fraus, et suus terror maxime vexat: suum quemque scelus agitat, amentiaque afficit: suae malae cogitationes conscientiaeque animi terrent, hae sunt impiis assiduae domesticaeque Furiae; quae dies noctesque parentum poenas a conscelerati ssimis filiis repetant. 24.

It is the terror that arises from his own dishonest and evil life that chiefly torments a man: his wickedness drives him to and fro, racking him to madness; the consciousness of bad thoughts and worse deeds terrifies him: these are the never-dying Furies that inwardly gnaw his life away; which day and night call for punishment on wicked children for their behavior to their parents.

Pro Roscio Amerino.

"Solon, quum interrogaretur, cur nullum supplicium constituisset in eum, qui parentem necasset, respondit se id neminem facturum putasse." 25.

Solon, when asked why he had not provided any penalty for the parricide, replied that he had not thought any man capable of the crime.

Ut non omnem frugem neque arborem in omni agro reperire possis, sic non omne facinus in omni vita nascitur. 27.

Just as we do not find in every field every fruit and tree, so not every vice is produced in every life.

Is mihi videtur amplissimus qui sua virtute in altiorem locum pervenit. 30.

He is, in my opinion, the noblest, who has raised himself by his own merit to a higher station.

L. Cassius ille, quem populus Romanus verissimum et sapientissimum judicem putabat, identidem in causis quaerere solebat, *cui bono* fuisset. 30.

L. Cassius, whom the Roman people used to regard as the best and wisest of judges, inquired ever and anon at a trial: for whose advantage the deed was committed.

Non enim possumus omnia per nos agere: alius in alia est re magis utilis. 38.

For we cannot do everything by ourselves; different men have different abilities.

PRO ROSCIO COMOEDO

Pro Roscio Comoedo.

Ut ignis in aquam conjectus, continuo restinguitur et refrigeratur: sic refervens falsum crimen in purissimam et castissimam vitam collatum, statim concidit et exstinguitur. 6.

As fire, when it is thrown into water, is cooled down and put out, so also a false accusation, when brought against a man of the purest and holiest character, falls away at once and vanishes.

Sic est vulgus; ex veritate pauca, ex opinione multa aestimat. 10.

The masses are so constituted that they measure but few things by the standard of fact, most by the standard of conjecture. *Pro Roscio Comoedo.*

Quae poena a diis immortalibus perjuro, haec eadem mendaci constituta est. Non enim ex pactione verborum, quibus jusjurandum comprehenditur, sed ex perfidia et malitia dii immortales hominibus irasci et succensere consuerunt. 16.

The same punishment which the gods inflict on the perjured is prepared for the liar. For it is not the form of words in which the oath is wrapped up, but the perfidy and malice of the act that excite the wrath and anger of the immortal gods against men.

Qui semel a veritate deflexit, hic non majore religione ad perjurium quam ad mendacium perduci consuevit. 16.

The man who has once deviated from the truth is usually led on by no greater scruples to commit perjury than to tell a lie.

PRO SESTIO

Id quod est praestantissimum, maximeque optabile omnibus sanis et bonis et beatis, cum dignitate otium. 45. *Pro Sestio.*

"That which stands first, and is most to be desired by all happy, honest, and healthy-minded men, is ease with dignity."

Oderint dum metuant. 48.

Let them hate, provided they fear.

Gurges et vorago malorum. 52.

An abyss and gulf of evils.

PRO SULLA

Status enim reipublicae maxime judicatis rebus continetur. 22. *Pro Sulla.*

The solidity of a state is very largely bound up in its judicial decisions.

Neque enim potest quisquam nostrum subito fingi, neque cujusquam repente vita mutari, aut natura converti. 25.

No one of us can suddenly assume a character, or instantly change his mode of life, or alter his nature.

PRO TULLIO

Pro Tullio. O dii immortales (vobis enim tribuam, quae vestra sunt), vos profecto animum meum tum conservandae patriae cupiditate incendistis, vos me ab omnibus caeteris cogitationibus ad unam salutem reipublicae contulistis, vos denique in tantis tenebris erroris et inscientiae clarissimum lumen praetulistis menti suae. XIV.

Ye immortal gods (for I shall grant what is yours), it was you doubtless that then roused me to the desire of saving my country; it was you who turned me away from all other thoughts to the one idea of preserving the Republic; it was you in short who, amidst all that darkness of error and ignorance, held up a bright light before my mind.

Ad damnum adderetur injuria. XVII.

That would be adding insult to injury.

"Haec enim tacita lex est humanitatis, ut ab homine consilii, non fortunae, poena repetatur." Fragment 51.

"It is one of humanity's unwritten laws, that a man has to pay the penalty for the intention, not for the results of his actions."

RHETORICA AD HERENNIUM

Rhetorica Ad Herennium. Esse oportet ut vivas, non vivere ut edas.

Thou shouldst eat to live, not live to eat.

TUSCULANAE DISPUTATIONES

Tusculanae Disputationes. Honos alit artes omnesque incenduntur ad studia gloria: jacentque ea semper, quae apud quosque improbantur. I, 2.

The honor shown to arts cherishes them, for all are incited by fame to their pursuit; the arts which are contemned by a people ever make but little progress.

Fieri autem potest, ut recte quis sentiat, et id, quod sentit, polite eloqui non possit. Sed mandare quemquam litteris cogitationes suas, qui eas nec disponere, nec illustrare pos-

sit, nec delectatione aliquâ allicere lectorem, hominis est intemperanter abutentis et otio, et litteris. I, 3.

It may happen that a man may think rightly, yet cannot express elegantly what he thinks. But that anyone should commit his thoughts to writing who can neither arrange nor explain them nor amuse the reader is the part of a man which unreasonably abuses both his leisure and learning.

Epicharmi ista sententia:
"Emori nolo: sed me esse mortuum nihil aestimo." I, 8.

That sentiment of Epicharmus:
I am unwilling to die, but I value myself as nothing when dead.

Dum lego, assentior: cum posui librum, et mecum ipse de immortalitate animorum coepi cogitare, assensio omnis illa elabitur. I, 11.

While I read, I assent; when I have laid down the book, and have begun to meditate on the immortality of the soul, all this feeling of acquiescence vanishes.

Antiquitas quo propius aberat ab ortu et divinâ progenie, hoc melius ea fortasse, quae erant vera, cernebat. I, 12.

Antiquity, the nearer it was to its divine origin, perhaps perceived more clearly what things were true.

Mortem non interitum esse omnia tollentem atque delentem; sed quandam quasi migrationem commutationemque vitae. I, 12.

Death is no annihilation, no carrying off and blotting out of everything, but rather, if I may so describe it, a change of abode, and an alteration in our manner of life.

Nulla gens tam fera, nemo omnium tam est immanis, cujus mentem non imbuerit deorum opinio. Multi de diis prava sentiunt, omnes tamen esse vim et naturam divinam arbitrantur. I, 13.

No nation is so barbarous, no one is so savage, whose mind is not imbued with some idea of the gods. Many entertain foolish ideas respecting them, yet all agree that there is some divine power and nature.

"Omni autem in re consensio omnium gentium lex naturae putanda est." I, 13.

Tusculanae Disputationes.

"The unanimous agreement of the nations upon any subject may be considered equivalent to a law of nature."

Arbores serit diligens agricola, quarum adspiciet baccam ipse nunquam. I, 14.

The industrious husbandman plants trees of which he himself will never see a berry.

Nemo umquam sine magna spe immortalitatis se pro patria offerret ad mortem. I, 15.

Nobody could ever meet death in defense of his country without the hope of immortality.

"Quid nostri philosophi? nonne in his libris ipsis, quos scribunt de contemnenda gloria, sua nomina inscribunt?" I, 15.

"What shall we say of our philosophers? Do they not put their names on the title-page of the very books which they write in depreciation of vainglory?"

"Magni autem est ingenii sevocare mentem a sensibus et cogitationem a consuetudine abducere." I, 16.

"The power of separating the intellect from the senses, and reason from instinct, is characteristic of the highest genius."

Errare mehercule malo cum Platone, quem tu quanti facias, scio, quam cum istis vera sentire. I, 17.

By Hercules, I prefer to err with Plato, whom I know how much you value, than to be right in the company of such men.

"Quam quisque norit artem, in hac se exerceat." I, 18.

Let a man practice the profession in which he is best versed.

Natura inest in mentibus nostris insatiabilis quaedam cupiditas veri videndi. I, 19.

Nature has implanted in our minds a certain insatiable desire to behold the truth.

Animum et videre et audire, non eas partes quae quasi fenestrae sunt animi. I, 20.

It is the soul which sees and hears; not those parts of the body which are, in a sense, the windows of the soul.

Mihi quidem naturam animi intuenti, multo difficilior occurrit cogitatio, multoque obscurior, qualis animus in corpore sit, tamquam alienae domui, quam qualis, cum exierit, et in liberum coelum, quasi domum suam venerit. I, 22. *Tusculanae Disputationes.*

When I reflect on the nature of the soul, it is much more difficult for me to conceive of what quality the soul is in the body, where it dwells as in a foreign land, than what it must be like when it has left the body and ascended to heaven, its own peculiar home.

Est illud quidem maximum, animo ipso animum videre: et nimirum hanc habet vim praeceptum Apollinis, quo monet, ut se quisque noscat. Non enim credo, id praecipit, ut membra nostra, aut staturam, figuramve noscamus: neque nos corpora sumus: neque ego tibi dicens, corpori tuo dico. Cum igitur, *Nosce te,* dicit, hoc dicit, Nosce animum tuum. Nam corpus quidem quasi vas est, aut aliquod animi receptaculum. Ab animo tuo quidquid agitur, id agitur acte. Hunc igitur nosse, nissi divinum esset, non esset hoc acrioris cujusdam animi praeceptum, sic, ut tributum deo sit. I, 22.

It is a matter of the greatest importance for the human soul to comprehend its own nature; and doubtless, this is the meaning of Apollo's precept, enjoining everyone to know himself; for I cannot think it directs us to know the different parts of our bodies, or its stature and form. Our bodies do not constitute our being; nor when I discourse with you, is it to your body I address myself. Wherefore, when the oracle says, *Know yourself,* it certainly intends, know your soul. For in fact, the body is no more than the vessel, or receptacle, of the soul; and the actions of the latter can only properly be called the actions of the man. In fine, were not the knowledge of the soul an excellent accomplishment, it could not have passed for an apophthegm of such acuteness, as to have been attributed to a deity.

"Nec me pudet ut istos, fateri nescire quod nesciam." I, 25.

I am not, like some men, ashamed to confess my ignorance when I do not know.

Quorum conversiones, omnesque motus qui animus vidit, is docuit, similem animum suum ejus esse, qui ea fabricatus est in coelo. I, 25.

The mind that has comprehended the revolutions and the complicated movements of the heavenly bodies has proved that it

Tusculanae Disputationes.

resembles that of the Being who has fashioned and placed them in the vault of heaven.

Philosophia, omnium mater artium, quid est aliud, nisi, ut Plato ait, donum, ut ego, inventum deorum? Haec nos primum adillorum cultum, deinde ad jus hominum, quod situm est in generis humani societate, tum ad modestiam, magnitudinemque animi erudivit: eademque ab animo, tamquam ab oculis, caliginem dispulit. I, 26.

Philosophy, the mother of all arts, what else is it, except, as Plato says, the gift, or as I say, the invention, of the gods? It is she that has taught us first to worship them, next has instructed us in the legal rights of mankind, which arise out of the social union of the human race, then has shown us the moderation and greatness of the mind; and she too has dispelled darkness from the mind as from the eyes.

Ita quidquid est illud, quod sentit, quod sapit, quod vivit, quod viget, coeleste et divinum est ob eamque rem aeternum sit necesse est. I, 27.

Whatever that principle is which feels, conceives, lives, and exists, it is heavenly and divine, and therefore must be eternal.

Mentem hominis, quamvis eam non videas, ut deum non vides: tamen ut deum agnoscis ex operibus ejus, sic ex memoria rerum, et inventione, et celeritate motus, omnique pulchritudine virtutis vim divinam mentis agnoscito. I, 29.

Although thou art not able to see the mind of man, as thou seest not God, yet as thou recognizest God from His works, so thou must acknowledge the divine power of the mind from its recollection of past events, its powers of invention, from its rapidity of movement, and the desire it has for the beautiful.

Cygni providentes quid in morte boni sit, cum cantu et voluptate moriantur. I, 30.

The swan, foreseeing how much good there is in death, dies with song and rejoicing.

Vetat dominans ille in nobis deus, injussu hinc nos suo demigrare. I, 30.

That divine principle that rules within us forbids us to leave this world without the order of the Deity.

Tota philosophorum vita commentatio mortis est. I, 30.

The whole life of philosophers is a commentary on death.

Ita enim censebat, itaque disseruit, duas esse vias, duplicesque cursus animorum e corpore excedentium, nam qui se humanis vitiis contaminavissent, et se totos libidinibus dedissent, quibus coecati, vel domesticis vitiis atque flagitiis se inquinavissent, vel republica violanda fraudes inexpiabiles concepissent, iis devium quoddam iter esse, seclusum a concilio deorum. Qui autem se integros, castosque servavissent, quibusque fuisset minima cum corporibus contagio, seseque ab his semper sevocassent, essentque in corporibus humanis vitam imitati deorum: his ad illos, a quibus essent profecti, reditum facilem patere. I, 30.

The opinion of Socrates was to the following effect, and thus he spoke: There are two roads and two directions which souls take on leaving the body. Those who have spent their lives in vicious practices, giving themselves wholly up to the lusts of the body, so as to become blinded to all that is good, or who have sunk into the mire of private filth and wickedness, or who have committed inexpiable crimes against their country, such go to a separate abode, away from the gods. Those, on the other hand, who have kept themselves pure and chaste, little subject to fleshly lusts, but imitating the life of the gods, find no difficulty in returning to those from whom they came.

Aristoteles quidem ait: "Omnes ingeniosos melancholicos esse." I, 33.

Aristotle says that all men of genius are melancholy.

Ut nihil pertinuit ad nos ante ortum, sic nihil post mortem pertinebit. I, 38.

As we possessed nothing before birth, so will nothing remain to us after death.

Natura dedit usuram vitae, tamquam pecuniae, nulla praestituta die. I, 39.

Nature has bestowed on us life at interest like money, no day being fixed for its repayment.

"Dic, hospes, Spartae, nos te hic vidisse jacentes,
Dum sanctis patriae legibus obsequimur."

[*Epitaph of the Three Hundred at Thermopylae*] I, 42.

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Go tell the Spartans, thou that passest by,
That here obedient to their laws we lie.

Undique enim ad inferos tantundem viae est. I, 43.

There are innumerable roads on all sides to the grave.

Nemo parum diu vixit, qui virtutis perfectae perfecto functus est munere. I, 45.

Every man has lived long enough who has gone through all the duties of life with unblemished character.

Gloria virtutem tamquam umbra sequitur. I, 45.

Glory follows virtue as if it were its shadow.

Non nasci homini longe optimum esse (docuit); proximum autem, quam primum mori. I, 48.

He taught that by far the happiest fate for a man was not to be born; the next happiest, to die very early.

Non enim temere nec fortuito sati et creati sumus, sed profecto fuit quaedam vis, quae generi consuleret humano: nec id gigneret, aut aleret, quod, cum exantlavisset omnes labores, tum incideret in mortis malum sempiternum, portum potius paratum nobis et perfugium putemus. I, 49.

For we have not been framed or created without design nor by chance, but there has been truly some certain power, which had in view the happiness of mankind; neither producing nor maintaining a being, which, when it had completed all its labors, should then sink into the eternal misery of death: rather let us think that there is a haven and a refuge prepared for us.

Supremus ille dies non nostri extinctionem sed commutationem affect loci. I, 49.

That last day brings to us, not extinction, but only change of place.

Non enim temere nec fortuito sati et creati sumus. I, 49.

We were not begotten and born for nothing, or haphazard.

Quotus quisque philosophorum invenitur, qui sit ita moratus, ita animo ac vita constitutus, ut ratio postulat? II, 4.

How few philosophers are there whose habits, mind, and lives are constituted as reason demands.

Agri non omnes frugiferi sunt. II, 5.

All fields are not fruitful.

Ut ager quamvis fertilis sine cultura fructuosus esse non potest, sic sine doctrina animus. II, 5.

A mind without instruction can no more bear fruit than can a field, however fertile, without cultivation.

Cultura animi, philosophia est: haec extrahit vitia radicitus, et praeparat animos ad satus accipiendos. II, 5.

Philosophy is the cultivation of the mental faculties; it roots out vices and prepares the mind to receive proper seed.

Qui alteri exitium parat,
Eum scire oportet sibi paratam pestem, ut participet parem." II, 17.

He who is preparing destruction for another may be certain that his own life is in danger.

Consuetudinis magna vis est. II, 17.

Great is the force of habit.

Domina omnium et regina ratio. II, 21.

Reason is the mistress and queen of all things.

Hoc quidem in dolore maxime est providendum, ne quid abjecte, ne quid timide, ne quid ignave, ne quid serviliter muliebriterve faciamus. II, 23.

When in deep sorrow, we must be specially careful to do nothing which savors of dejection or timidity, of cowardice, servility, or womanishness.

Non sentiunt viri fortes in acie vulnera. II, 24.

In the stress of battle brave men do not feel their wounds.

Tuo tibi judicio est utendum: tibi si recta probanti placebis, tum non modo tu te viceris, ... sed omnes et omnia. II, 26.

You must use your own judgment on yourself: if, when you are testing what is right, you succeed in pleasing yourself, then you have overcome not yourself only, but all men and all things.

Tusculanae Disputationes.

Mihi quidem laudabiliora videntur omnia, quae sine venditatione et sine populo teste fiunt: non quo fugiendus sit (omnia enim benefacta in luce se collocari volunt), sed tamen nullum theatrum virtuti conscientia majus est. II, 26.

Whatever is done without ostentation, and without the people's being witnesses of it, is, in my opinion, most praiseworthy; not that the public eye should be entirely avoided, for good actions desire to be placed in the light; but notwithstanding this, the greatest theater for virtue is conscience.

Nunc autem, simul atque editi in lucem, et suscepti sumus, in omni continuo pravitate, et in summa opinionum perversitate versamur, ut paene cum lacte nutricis errorem suxisse videamur. III, 1.

Now as soon as we have been ushered into the light of day and brought up, at once we become engaged in every kind of wicked practice and the utmost perversity, so that we seem to have sucked in error almost with our nurse's milk.

Est enim gloria, solida quaedam res, et expressa, non adumbrata; ea est consentiens laus bonorum, incorrupta vox bene judicantium de excellente virtute; ea virtuti resonat, tamquam imago, quae quia recte factorum plerumque comes est, non est bonis viris repudianda. III, 2.

Glory is something that is really and actually existing, and not a mere sketch; it is the united expression of approval by the good, the genuine testimony of men who have the power of forming a proper judgment of virtuous conduct; it is the sound given back by virtue, like the echoes of the woods, which, as it usually attends on virtuous actions, is not to be despised by the good.

Morbi perniciosiores pluresque sunt animi quam corporis. III, 3.

The diseases of the mind are more destructive and in greater number than those of the body.

Est profecto animi medicina, philosophia. III, 3.

The true medicine of the mind is philosophy.

In animo perturbato, sicut in corpore, sanitas esse non potest. III, 4.

When the mind is in a disturbed state, health cannot exist, even as is the case with the body.

Nimirum haec est illa praestans et divina sapientia, et perceptas penitus et pertractatas res humanas habere; nihil admirari, cum acciderit; nihil, antequam evenerit, non evenire posse arbitrari. III, 14.

The highest, the divine wisdom consists in having investigated and mastered the innermost nature of all that pertains to mankind; in being surprised at nothing which happens, and in believing, before the event, that everything is possible.

Epicurus censet stultam esse meditationem futuri mali aut fortasse ne futuri quidem: satis esse odiosum malum omne, cum venisset. III, 15.

Epicurus thinks that it is foolish to anticipate future evils, which may never happen: "sufficient unto the day is the evil thereof."

"Reddenda est terra terrae." III, 25.

Dust must be consigned to dust.

"Mortalis nemo est, quem non attingat dolor,
Morbusque." III, 25.

There is no mortal whom pain and disease do not reach.

Stultum est in luctu capillum sibi evellere, quasi calvitio maeror levaretur. III, 26.

It is folly to tear one's hair in sorrow, as if grief could be assuaged by baldness.

Est proprium stultitiae, aliorum vitia cernere, oblivisci suorum. III, 30.

It is the peculiar quality of a fool to be quick in seeing the faults of others, while he easily forgets his own.

Quid praeclarum, non idem arduum? III, 34.

What is there that is illustrious, that is not also attended by labor?

Est Zenonis haec definitio, ut perturbatio sit, aversa a recta ratione, contra naturam, animi commotio. Quidam brevius, perturbationem esse appetitum vehementiorem: sed vehementiorem eum volunt esse, qui longius discesserit a naturae constantia. Partes autem perturbationum volunt ex duobus opinatis bonis nasci, et ex duobus opina-

Tusculanae Disputationes.

tis malis: ita esse quatuor. Ex bonis libidinem, et laetitiam; ut sit laetitia, praesentium bonorum; libido, futurorum. Ex malis, metum, et aegritudinem nasci censent: metum, futuris; aegritudinem, praesentibus. Quae enim venientia metuuntur, eadem efficiunt aegritudinem instantia. IV, 6.

Zeno defines all passion to be a commotion of the soul, opposite to right reason, and contrary to nature. Others, in fewer words, that it is an excessive appetite, or such as exceeds the bounds prescribed by nature. Now, according to these men, there are two kinds of good, and as many of evil, whence arise so many passions. Those, arising from good, are joy and desire; the former resulting from a good in possession, and the latter from that in expectation. The passions supposed to spring from evil are sorrow and fear; sorrow regards present evil, and fear that which is to come; for whatever excites fear, when in prospect, naturally raises sorrow, when present.

Ira est libido puniendi ejus, qui videatur laesisse injuriâ. IV, 9.

Anger is the desire of punishing the man who seems to have injured you.

Odium est ira inveterata. IV, 9.

Hatred is ingrained anger.

Discordia est ira acerbior odio, intimo corde concepta. IV, 9.

Discord is anger more bitter than hatred, conceived in the inmost breast.

Omnium autem perturbationum fontem esse dicunt intemperantiam; quae est a tota mente defectio, sic aversa a praescriptione rationis, ut nullo modo appetitiones animi nec regi nec contineri queant. IV, 9.

The source of the passions is want of moderation, which is a revolt against the intellectual faculties, and so opposed to the dictates of reason as to destroy all control and restraint of our desires.

Cum est concupita pecunia, nec ratio sanat cupiditatem, existit morbus animi eique morbo nomen est avaritia. IV, 11.

When money is coveted, and reason does not cure the desire, there a disease of the mind exists, and that disease is called "avarice." *Tusculanae Disputationes.*

Ita fit ut corruptione opinionum morbus fit. IV, 13.

Hence it happens that mental diseases take their rise from the corrupt state of the sentiments.

Si ridere concessum sit, vituperatur tamen cachinnatio. IV, 31.

Though a laugh is allowable, a horse-laugh is abominable.

Virtus hominem jungit Deo. IV, 45.

Virtue joins man to God.

O vitae philosophia dux! O virtutis indagatrix, expultrixque vitiorum! quid non modo nos, sed omnino vita hominum sine te esse potuisset? tu urbes peperisti: tu dissipatos homines in societatem vitae convocasti: tu eos inter se primo domiciliis, deinde conjugiis, tum litterarum, et vocum communione junxisti: tu inventrix legum, tu magistra morum, et disciplinae fuisti: ad te confugimus: a te opem petimus. Est autem unus dies bene, et ex praeceptis tuis actus, peccanti immortalitati anteponendus. V, 2.

Philosophy, thou guide of life! Thou searcher after virtue, and banisher of vice! What would not only we ourselves, but the whole life of men, have been without thy aid? It is thou that foundedst cities, collectedst men in social union; thou that broughtest them together first in dwellings, then in marriage, then in all the delights of literature; thou discoveredst laws, bestowedst on men virtuous habits: to thee we fly for aid. One day spent virtuously, and in obedience to thy precepts, is worth an immortality of sin.

Socrates primus philosophiam devocavit e coelo, et in urbibus collocavit, et in domos etiam introduxit, et coegit de vita, et moribus, rebusque bonis et malis quaerere. V, 4.

Socrates was the first who brought down philosophy from heaven, introducing it into the abodes of men, and compelling them to study the science of life, of human morals, and the effects of things good and bad.

Tusculanae Disputationes.

"Vitam regit fortuna, non sapientia." V, 9.

It is fortune, not wisdom, that rules the life of man.

Unde igitur ordiri rectius possumus quam a communi parente natura? quae quicquid genuit, ... in suo quidque genere perfectum esse voluit. V, 13.

How then can we be more fitly ordered than by our common mother Nature, whose aim has been that whatsoever she produced should be perfect after its kind?

Accipere quam facere injuriam praestat. V, 19.

It is far better to receive than to do an injury.

Suum cuique pulchrum est. V, 22.

His own is beautiful to each.

Suum cuique. V, 22.

To every one his own.

Adhuc neminem cognovi poetam . . . . qui sibi non optimus videretur. Sic se res habet; te tua, me delectant mea. V, 22.

I have never yet known a poet who did not think himself the greatest in the world. That is the way of things; you take delight in your works, I in mine.

Ipsa cogitatio de vi et natura deorum, studium incendit illius aeternitatis imitandae. V, 25.

The very meditating on the power and nature of God excites the desire to imitate that eternal Being.

Ne mente quidem recte uti possumus, multo cibo et potione completi. V, 35.

We cannot use the mind aright, when the body is filled with excess of food and drink.

"Haec habeo, quae edi, quaeque exsaturata libido
Hausit: at illa jacent multa et praeclara relicta."
(Epitaph on Sardanapalus.) V, 35.

What I have eaten is mine, and all my satisfied desires; but I leave behind me all those splendid joys which I have not tasted.

Quid est enim dulcius otio literato? v, 36.

What is more delightful than lettered ease?

"Patria est ubicumque est bene."

Socrates quidem cum rogaretur, cujatem se esse diceret, Mundanum, inquit. Totius enim mundi se incolam, et civem arbitrabatur. v, 37.

Our country is wherever we find ourselves to be happy.

When Socrates was asked to what country he belonged, he said that he was a citizen of the world. For he thought himself an inhabitant and citizen of the whole universe.

Humanus autem animus decerptus ex divina mente, cum alio nullo nisi cum ipso deo, si hoc fas est dictu, comparari potest. v, 38.

The human soul, being an offshoot of the divine mind, can be compared with nothing else, if it be not irrelevant to say so, than with God himself.

Loquor enim de docto homine et erudito, cui vivere est cogitare. v, 38.

I speak of a man of learning and erudition, to whom to live is to think.

Qui secum loqui poterit, sermonem alterius non requiret. v, 40.

He who can commune with himself does not seek for speech with others.

Mihi quidem in vita, servanda videtur illa lex, quae in Graecorum conviviis obtinetur: "Aut bibat," inquit, "aut abeat." v, 40.

In life we ought, in my opinion, to observe that rule, which prevails in the banquets of the Greeks: "Let him either drink or depart."

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